

5097
From the Author
A
D E F E N C E

OF THE
PROTESTANT CLERGY

IN THE
SOUTH OF IRELAND;

IN
A N S W E R
TO THE CHARGES AGAINST THEM,

CONTAINED IN THE
Rt. Hon. HENRY GRATTAN'S SPEECHES
RELATING TO TITHES,

As they are printed, and said to have been delivered in the
HOUSE OF COMMONS, on *Thursday* the 14th, and *Tuesday* the
19th of *February*, 1788.

WITH A
P O S T S C R I P T
CONTAINING SOME REMARKS ON HIS LAST SPEECH ON THE
RE-AGITATION OF TITHES,
DELIVERED the 11th of *April*, 1788.

BY AUTHENTICUS.

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E R R A T A.

Page.	Line.
x	16th from the bottom, for <i>I assert to take place</i> , read <i>which I assert to take place</i> .
—	2d ditto, for <i>and those laws</i> , read <i>and of those laws</i> .
38	for <i>Hay-grass</i> , 2 to 3 and 6, read 2 to 5-6.
72	4th from the top, for <i>as Mr. Grattan</i> , read <i>which Mr. Grattan</i> .
—	8th ditto, for <i>their estimates</i> . read <i>the proEors' estimates</i> .
79	3d from the top, for <i>and consequently just and necessary</i> , read <i>and consequently a compensation just and necessary</i> .
87	1st ditto, dele <i>against himself</i> .
—	5th ditto, for <i>will be against them</i> , read <i>will lie against them</i> .
—	13th for <i>his sentence</i> , read <i>the sentence</i> .
88	17th from the bottom, for <i>believe clergymen</i> , read <i>believe every clergyman</i> .
89	15th from the top, for <i>this jurisdiction</i> , read <i>their jurisdiction</i> .
90	4th for <i>uneven sciable</i> , read <i>unconscionable</i> .
92	3d ditto, for <i>objected</i> , read <i>obliged</i> .
93	7th ditto, for <i>the present</i> , read <i>the present section</i> .
—	2d Note, line 5th, for <i>cannot as a lawyer say</i> , read <i>cannot as a lawyer but know</i> .
—	Note, line 13th, for <i>temporal and ecclesiastical laws</i> , read <i>temporal and ecclesiastical courts</i> .
96	10th and 11th, for <i>respectable law extant</i> , read <i>respectable law authority extant</i> .
106	14th ditto, for <i>in some incomes</i> , read <i>in some instances</i> .
115	9th from the bottom, for <i>they now envy</i> , read <i>they now enjoy</i> .
122	10th, for <i>the right to the tithes</i> , read <i>the power of deciding on the right to the tithes</i> .
125	9th from the bottom, for <i>two hundred and twenty</i> , read <i>two hundred and seventy</i> .
126	16th, for <i>half the rent they pay</i> , read <i>profit equal to half the rent they pay</i> .

4 OC 58

Advertisement.

THE Author of the following DEFENCE has concealed his name, partly from a consciousness, if known, it could contribute but little to excite public attention to the work; and from other considerations merely personal:—But chiefly, because Mr. Grattan not having avowed the Speeches printed, as having been delivered by him on the 14th and 19th of February, they do not seem to proceed from authority respectable enough to require such avowal on the part of him who answers them; which, if acknowledged by Mr. Grattan, they certainly would do: whenever, therefore, Mr. Grattan shall publish his real Speeches, or avow those attributed to him, the Author of the following Defence

will instantly follow his example. The public must, therefore, consider him pledged for the authenticity of the information, and the truth of the facts he adduces, as effectually as if he had, from the very first, prefixed his name;—and it rests with them to decide what credit is due to the statements and facts advanced as Mr. Grattan's, by two Reporters, one anonymous, the other unauthorised, while unacknowledged by Mr. Grattan himself.

4 OC 58

CON-

C O N T E N T S.

	Page
<i>I</i> NTRODUCTION	7

S E C T I O N I.

<i>Of the average Rates for which Tithes set in Munster, especially the disturbed Parts of it</i>	13
---	----

S E C T I O N II.

<i>Of the exorbitant Rise of Rateages, said to have taken Place in Munster</i>	43
--	----

S E C T I O N III.

<i>Of the illegal Demands for Tithe, said to be made by the Southern Clergy</i>	55
---	----

S E C T I O N IV.

<i>Of the various Abuses in the Mode of va- luing and collecting Tithe, said to pre- vail in Munster</i>	63
--	----

S E C -

vi C O N T E N T S.

SECTION V.

	Page
<i>Of MR. GRATTAN'S Accusations against</i>	
<i>Bishops' courts</i> - - - -	85

SECTION VI.

<i>Of the particular Instances adduced by</i>	
<i>Mr. Grattan, as Proofs of the Mal-con-</i>	
<i>duct of the Clergy</i> - - - -	98

SECTION VII.

<i>Of the Imputations on the Conduct of the</i>	
<i>Southern Clergy, as having caused the</i>	
<i>late Disturbances</i> - - - -	108
<i>Conclusion</i> - - - - -	115
<i>Postscript</i> - - - - -	121

INTRO.

INTRODUCTION.

MR. GRATTAN's late speeches on Tithe must, from the nature of the subject, the high authority of the speaker, and the peculiar circumstances of the occasion, be circulated rapidly, read attentively, and materially contribute to influence public opinion, in a point where, of all others, that opinion is of the highest importance; even deciding on the character of a considerable number of the Protestant Clergy in this kingdom; than whom there is no class of men whose character it more highly concerns the public they should rightly understand. The welfare of society is inseparably connected with the attention paid to morality and religion; and this greatly depends on the opinion generally entertained of that order whose office it is to inculcate these sacred duties;—and as the character of this class of men is peculiarly important, so is it peculiarly delicate:—to suspect is to sully, to attack is almost to destroy it.—The bulk of mankind are ever ready to believe those depraved, whose example may seem to sanction their own depravity; and in this country, at this time, the opposition of religious faith and pecuniary interests, irritated further by the impatience of controuled turbulence and disappointed rapacity; the acrimony of public controversy,

controversy, and personal litigation, must prepare a great part of the *people* * for receiving, with implicit credit, all accusations against the Clergy; and may lead them to mistake positiveness of assertion for strength of argument; and yield to authority, the conviction due only to truth. Under these circumstances, attentive hearing, cool examination, and impartial decision, are very desirable indeed, but also very hopeless, whoever were the accuser; but when the accuser is Mr. Grattan, almost to be despaired of; since his general popularity and high reputation must much diminish the attention paid to any man attempting to question his principles, or combat his reasoning.

A sense of these difficulties induced the Author for some time to delay the following defence; under the fond hope, that Mr. Grattan would render it unnecessary, by becoming himself the vindicator of the character, as he professes himself a friend to the interests of the Clergy; that he would, by a full, authentic, and cool statement of his sentiments to the public, evince the tithe system, not the conduct of the Clergy, was the object of his opposition:—And to relieve, not to criminate them, the purpose of his exertions:—But this hope has been disappointed. Mr. Grattan's speech has been presented under different forms, passed through multiplied editions †, with all due enlargements, of inflammation.

* I am informed from very good authority, that Mr. Grattan's speech has been translated into Irish, in the county of Cork, for its more ready dispersion amongst the populace in that country.—What effect it may produce on such minds, if not timely counteracted, we may easily conceive, and how difficult it will be to counteract it.

† Two editions were published originally, one reported by a Mr. Franklin, printed by P. Byrne—the other by an anonymous Reporter, printed by Graisbery: the public seem to have given this a preference, it having gone through three editions.

flammatory prefaces, and auxiliary supplements ; and Mr. Grattan has neither interpreted nor disavowed the statements contained in either the original editions or the late supplement—They must therefore operate on all but the immediate hearers as if really his speeches, and therefore as such it is necessary to consider them.—If unfounded statements, and weak reasonings have been unjustly attributed to Mr. Grattan, and are here exposed, he must impute it to himself.—No man who is a friend to the character of the Clergy, could wish to have it believed Mr. Grattan thought worse of them than he really does : if, therefore, he is represented as speaking worse of them than he did, it must be the effect of necessity, not choice.—To prevent misstatement and error from being mistaken as the voice of truth, because supposed to have been uttered by Mr. Grattan, is the only purpose of these pages ; and to defend the Clergy, not to attack him, the only wish of their Author.—In conformity to this, he trusts he shall be found to have avoided all merely verbal criticisms, and all forced constructions ; to have endeavoured to represent Mr. Grattan's sentiments fairly, and combat them calmly, and to have passed without censure, or even notice, every part of Mr. Grattan's speech, which his subject did not force him to attend to. Having done this, he may be perhaps deemed not wholly unworthy of public attention, which that man necessarily and justly forfeits, who can be charged with want of coolness, candour or truth.

Mr. Grattan's speech labours to support and justify his motion for “ a committee to enquire whe-

tions. To the last is prefixed a very artful and inflammatory preface, and a supplement, containing Mr. Grattan's speech in reply to the Right Honourable the Secretary of State's speech, on the Compensation Bill : both these copies, I think, deserve equal notice ; one from the name prefixed, the other from the reception it has met with.

“ther any just cause of discontent exists amongst
 “the people in the province of Munster, and the
 “counties of Kilkenny and Carlow, on account of
 “tithe, or the collection of tithe.” And to prove
 the necessity of a commutation—the political rea-
 sons which determined the legislature to refuse
 such enquiry, I do not think myself called on as
 a friend to the Clergy to discuss; most sincerely
 do I wish a full and fair enquiry into the general
 conduct of the Clergy were safe and practicable;
 because sure I am, it would fully evince their equity
 and moderation: and since the legislature, not judg-
 ing it safe or practicable, has thought fit to refuse
 a public enquiry, I call on all who are friends to
 candour and truth, and justice and religion, to
 make as full and fair an enquiry as they can in
 their private capacity, before they decide that the
 Clergy are extortioners, oppressive and unjust. —
 The materials for this enquiry I will endeavour to
 supply, entreating every man who has opportunity
 to compare the general statements I make, and
 the general rates and modes of valuing, setting,
 and collecting tithes, I assert to take place, with
 the modes and rates which take place in the coun-
 ty or diocese he is best acquainted with in the south
 of Ireland; and give me credit for nothing, if he
 does not find my assertions supported by facts.

The general question of a commutation also, I
 do not think it incumbent on me to examine fur-
 ther than it seems necessary to vindicate the cha-
 racter of the Clergy. I wish rather to separate
 these questions, so apt to be confounded; to habi-
 tuate the public to distinguish between the incon-
 veniencies of the tithe system arising from its na-
 ture, and the laws that establish it—things no way
 imputable to the Clergy,—and the supposed abuses
 of that system, and those laws for which alone
 they are accountable—a distinction which, I
 believe,

believe, it will appear even Mr. Grattan has not uniformly observed.—My single purpose then is to prove the general charges against the Clergy ill-founded, the proofs brought to support them inconclusive, and that the fullest examination of facts the nature of the subject will afford, proves the direct contrary of those charges, even that the general conduct of the southern Clergy is just and moderate, and merciful and praise-worthy.

And this I undertake the more readily, as it is a question not of speculation, but fact; depending not so much on strength of ability, as accuracy of information; the province not of that exalted and enlarged genius, which at one glance comprehends the whole of an extensive and general system; but the more humble talent of patient accuracy, which collects, combines and compares the various minute particulars, by the calculation of which alone such a question as this can be decided.

Having stated my purpose, I proceed to execute it; dividing the subject, for the sake of clearness and brevity, into distinct heads.

A

VINDICATION
OF THE
SOUTHERN CLERGY, &c.

SECTION I.

*Of the average Rates for which Tithes set in Munster,
especially the disturbed Parts of it.*

IN order to prove that the southern Clergy, or their deputies, have abused the powers granted them by law, Mr. Grattan states a variety of exorbitant rateages, as demanded and paid for Tithe—some in particular cases, and others through whole counties.—To the latter I now confine myself, and undertake to prove the average rateages in Munster, even in the most disturbed parts, are so moderate and equitable, that they never could

afford even a plausible pretence for general censure, opposition, or outrage. And if this point were proved, the general conduct and character of the southern Clergy, would, I think, be sufficiently vindicated from reproach, with every candid and reasonable mind. For supposing (not granting) that there may have been a few instances of particular claims for tithe, whose exorbitance there was no circumstance to palliate, and no plea to justify; surely this does not impeach the general conduct, or affect the general character of the Clergy—No.—Mr. Grattan is too perfect a master of reasoning, not to know, that in deciding on the character of any body of men, our conclusions should be derived from the most extensive view of their general conduct, the nature of the subject will admit; and that conclusions so derived, cannot be overturned by a few exceptions; and that such reasoning is strictly applicable to the case before us; since it follows, with all the certainty of mathematical demonstration, that if the majority of the Clergy are not so moderate in the prices they claim, as to fall below the real value of the tithes fold, by a quantity more than sufficient to counterbalance the excess of such prices as rise above that value, (if such there be) the combination of all these claims would not produce a moderate average.

The materials from whence my information is derived, are the average rates of the dioceses of Cashel and Emly, accurately collected from the particular returns of every Clergyman in these dioceses—A similar return, formed with similar accuracy, of the diocese of Waterford—The original letters of all the Clergymen in the dioceses of Cloyne, Limerick, Ardfer, and Aghadoe, containing similar accounts, which I have myself combined, and annex the average rates resulting from the calculation—the returns of the dioceses
of

of Cork and Ross combined into an average rate, with equal accuracy—Authentic returns of twenty-nine of the most disturbed parishes in the county of Cork and parts adjacent, all formed in December, 1786, and January, 1787.—An exact account of the mode of valuing, and the rates of tithe in the county of Kerry, in the year 1787, formed by a respectable dignitary in that county.—These are my sources of particular private information. As to public records, I have an exact account of all the rates claimed for tithes for several years in the vicarial court of Cashel; the returns of the Vicars-general in the Ecclesiastical Courts of Cork and Cloyne; of the average rates claimed in a similar manner in the court of Cork, for six years previous to 1786, and in Cloyne for several years.—I have also had access to the returns made by the referees under the compensation-act to the Lord Chancellor.—This information includes nearly the whole Province of Munster, and all the disturbed parts of it; it is therefore sufficiently extensive. The authenticity of the public records cannot be questioned; but Mr. Grattan has endeavoured to invalidate * the credit due to the returns of the Clergy,

B 4 and

* *Vide* his speech, third edition; printed by Graisbery, supplement, page 2. in these words, “The Right Honourable the Secretary of State has produced average rateages in opposition to those which on a former night I stated to the House; he acknowledges these average rateages were received from the Bishops: now, though great credit is due to such respectable authority, may not they be suspected of a little partiality? perhaps these rateages are formed on a sudden and imperfect enquiry, which still further diminishes their weight.”—The veracity of the Bishops needs not to be defended against such suspicions.—I therefore confine myself to prove the accuracy of the enquiry, and the authenticity of the returns from whence they formed their statement. Mr. Grattan adds, “The average rateage of a county bears

and the average rates collected from them, by insinuating they may be partial to their own cause, and formed so as to place in the strongest light their own moderation. To this I answer, that if they had been designed merely for that purpose, and collected since the first publication of Mr. Grattan's speech, their authority would be at least as valid as that of their accusers, whose information Mr. Grattan has stated to the public; for who will deny that the impetuous zeal of angry accusation, may not be as prone to mistake, to exaggerate, to misrepresent, as the cautious solicitude of self-defence? especially as Mr. Grattan's informers could not suppose their veracity or character more immediately and deeply pledged for the truth and accuracy of their accounts, than the clergyman who must dread the just resentment of his Bishop, should he expose him by an unfounded statement to a public refutation, disgraceful to himself, and injurious to the whole order.

But to do away every shadow of doubt, it appears by the time when these returns were made, and the circular letters and queries in consequence of which they were made, [*vide annexed copies*]

“ no resemblance to the rateage of a particular parish; because at best, the former is but conjecture, while the other is matter of fact.” I apprehend that when the average rates of every parish in a diocese are accurately stated, and combined in an average for the whole, the result depends not on conjecture, but mathematical certainty, and is therefore a matter of fact.—The certainty of the conclusion may at first sight seem lessened, by our not knowing the number of acres charged at each price combined in the average; but it is certain there is as great a chance this, if known, would diminish as encrease the average rates; and probably would not alter them at all, since the acres charged at a medium rate, are every where, in all probability, most numerous. The same difficulty also lies against the average rates of any parish or town land, estimated without such a return of the acres; which I will venture to assert all Mr. Grattan's are.

that

that these returns were made with the most minute accuracy, at a time when the Clergy were more anxious to prove the damages their property had suffered, than to vindicate their character from censure; for till then their characters had been uncensured, except by that tumultuous outrageous rabble, and its abettors, whose evident injustice, malignity, fraud, and violence would, as the Clergy did at that time, (though erroneously) suppose, wholly destroy the credit of their testimony.—At a time when they courted the scrutiny of public attention, and were taught to prepare for encountering legislative enquiry—when they wished to ascertain their own injuries, and the injustice of their enemies, by shewing the excess of their own average rates above those of the White-boys, and therefore every shilling taken off from the former would make the latter appear more just and reasonable—at a time when they expected (and as the compensation-act proves on good grounds) that the average rates they should state themselves to have received previous to the disturbances, would become the standard to regulate, what compensation they should obtain, and therefore every shilling taken off from them must diminish their own profit, and their enemies loss—in these circumstances, regard to truth and their own character, would prevent them from stating their average rates too high; but surely their interest and resentment would as effectually prevent their stating them too low.

*Copy of the Circular Letter from one Southern Bishop,
sent to the several Clergy, by his Register.*

REV. SIR,

December the 28th, 1786.

BY a letter last post from Dublin, I am directed to advise you to make out directly, in order to be
laid

laid before government, previous to the meeting of Parliament, an exact return of the following particulars, viz.

1st. The loss you have sustained during the years 1785 and 1786.

2d. The average rate at which the several articles of Tithe have been *valued* by your proctors, employed by you in the five years preceding 1785.

3d. The average rate at which said Tithes have been *set* by you, or your proctor, in said five years.

4th. The distance of your parish from a market or sea-port town, together with any circumstance that may account for the Tithes of your's differing from the rates of other parishes.

5th. The average expences attending the cultivation of an acre of potatoes in your parish, before it becomes titheable, including the sum paid for rent, and specifying the acre, whether English or plantation.

N. B. The 1st, 2d, 3d, and 5th heads are recommended to be verified by affidavit.

The following query was afterwards sent, "What upon an average is the quantity of the crop, and what the value of an acre of the several kinds of tillage in your parish, specifying the weights and measure you use, and whether the acre be English or plantation measure?"—Answers to this purpose are given in the letters of the Clergymen of the diocese of Cloyne; and they often estimate their loss by comparing their own average rates with those prescribed by the several White-boy legislators: And this is universally done in the dioceses of Limerick and Ardfert.—The circular letters of all the Bishops are, in all material points, the same with the above.

The

The authenticity of these rates being proved, I proceed to state what they are, and compare them with Mr. Grattan's.

DIOCESE of WATERFORD.*

Plantation Acre.			English Acre.		
	s.	d.		s.	d.
Potatoes	6	0	—	3	9
Wheat	5	0	—	3	1½
Barley	4	0	—	2	6
Oats	2	6	—	1	9½
Meadow	2	6	—	1	9½

DIOCESE of CASHEL† and EMLY.

Plantation Acre.			English Acre.		
	s.	d.		s.	d.
Potatoes	7	0	—	4	4½
Wheat	6	6	—	4	0½
Barley	5	9	—	3	7
Oats	3	8	—	2	3½
Meadow	2	10½	—	1	9
Rape	7	7	—	4	8½
Flax	8	0	—	5	0

* N. B. Irish plantation acre is to the English as eight to five.

† N. B. The dioceses of Cashel and Emlly lie in the counties of Tipperary and Limerick, where the soil is allowed to be some of the best in Ireland.

CORK and ROSS.

On an average, five years preceding 1785.

English Acre. 40 Parishes.

	s.	d.	
Potatoes	6	7	
Wheat	4	6	
Barley	4	3	
Oats	2	3	
Meadow	1	6	not paid in 15 parishes.
Flax	6	1	paid only in six Parishes.

In the diocese of Cloyne, I have from the returns annexed not only the average prices of the tithe, but the average value of each crop, and the consequent real value of its tithes; all by the English acre, and for the same period.

	Average of crop.				Real tithe.		Actual tithe rates			
	£.	s.	d.		s.	d.	s.	d.		
Potatoes	5	18	0	- -	11	9	- -	6	3	
Wheat	5	1	0	- -	10	1	- -	5	9	
Barley	3	18	0	- -	7	9	- -	4	9	
Oats	2	16	0	- -	5	7	- -	3	3	
Meadow	1	12	6	- -	3	2	- -	1	9	

Flax is so inconsiderable in its tithe, it is scarcely mentioned; nor is rape mentioned; tithe of turf is only stated as paid in two parishes out of thirty-seven. Seven parishes have made their returns by the plantation acre, which I have annexed also, reduced to the English acre, that the coincidence of the returns of different men, making use of different measures, may confirm each.

THE RETURNS.

	Plantation acre.			English acre.	
	s.	d.		s.	d.
Potatoes	8	0	—	5	0
Wheat	7	1 $\frac{3}{4}$	—	4	5 $\frac{1}{2}$
Bear	6	0	—	3	9
Oats	3	7	—	2	3
Meadow	2	2	—	1	4 $\frac{1}{2}$

RETURNS from ten disturbed parishes* in the diocese of Lismore and Cork, to queries from private Clergymen.

	Average of crop.				Real tithe.		Actual tithe rate.		
	£.	s.	d.		s.	d.	s.	d.	
Potatoes	8	5	0	- -	16	6	- -	6	10
Wheat	5	0	0	- -	10	0	- -	5	2
Bear	3	3	6	- -	6	4 $\frac{1}{4}$	- -	2	7
Oats	1	17	0	- -	5	8	- -	2	6
Meadow	1	13	0	- -	3	3 $\frac{1}{2}$	- -	1	6 $\frac{1}{2}$

DIO.

* The disturbed parishes returned to the same private clergymen from the diocese of Cloyne are omitted, because included in the average of that diocese.—I annex two affidavits which further corroborate these returns.

County of } Mr. Thomas Martin, and Mr. William Kemp, land-
Cork. } holders, and many years residents in the parish of the Union of Rathcoony, in the North Liberties of the city of Cork, having been applied to by the Rector of the said parish, the Rev. Chambre Corker, to give an estimate, on oath, of the acreable value of different kinds of tillage in said parish, to the best of their judgments do swear, that to the best of their skill and knowledge, they believe and are convinced, that the value of potatoes in said parish

DIOCESE of LIMERICK.

Average Tithe Rate, per

	Plantation acre.			English acre.	
	s.	d.		s.	d.
Potatoes	10	2 $\frac{1}{4}$	—	6	4 $\frac{1}{2}$
Wheat	8	2	—	5	1 $\frac{1}{4}$
Bear	7	5	—	4	7 $\frac{1}{2}$
Oats	4	6	—	3	3 $\frac{1}{4}$
Meadow	2	10	—	1	9 $\frac{1}{4}$
Rape	9	0	—	5	7 $\frac{1}{2}$
Flax	8	2	—	5	1 $\frac{1}{4}$

N. B. Small dues, *i. e.* money for sheep and cows, are not paid in many places, and ecclesiastical fees scarcely any where. The county of Limerick

parish is from about £10. to £4. per acre; of wheat from about £7. to £4.; of barley from £4. to £2. 10s. of oats from £3. to £2.; of meadow ground from £2. 10s. to £1. per the English acre.

N. B. This, on the most moderate computation, *clear of all costs to the farmer*; and there are *many acres* of all the above kinds of tillage in the hands of gentlemen and good farmers, in said parish of greater value than the highest of the above rates.

Sworn before me this 23d day of November, 1786.

HENRY MANNIX.

WILLIAM KEMP.

THOMAS MARTIN.

Extract from an Affidavit of Robert Barry, tithe farmer of Kilmaclichem, dioceses of Cloyne, and county of Cork, sworn before Henry Galway, Esq. one of his Majesty's Justices of the Peace for said county—January 8th, 1787.

“Deponent states the average rates, at which the different titheable articles were set for five years preceding 1785, were respectively as follow, by the plantation acre:

Plan-

rick is the most fertile in Ireland. The first crops of potatoes often raised without any previous manure. The crop worth from £16. to £20.; other crops in proportion.

In the dioceses of Cloyne and Cork, the rates are somewhat higher than those of Waterford and Cashel. The different clergymen, in replying to the fifth query, account for the rates of their particular parishes; and the combination of their reasons (which those at all acquainted with the state of the country, will immediately discern are true) will account for this excess of rates in the whole diocese.

They

		Plantation acre.		English acre.	
		s.	d.	s.	d.
1st Quality	Potatoes	7	0	—	4 4½
2d Do.	—	6	0	—	3 9
3d Do.	—	5	0	—	3 1

		Wheat.		Barley.		Oats.		Engl. acre.	
		s.	d.	s.	d.	s.	d.	s.	d.
1st Quality		7	0	—	7 0	—	3 0	2	1
2d Do.		6	0	—	6 0	—	2 6	1	9½
3d Do.		5	0	—	5 0	—	2 0	1	3

		Plantation acre.		English acre.	
		s.	d.	s.	d.
1st Quality	Meadow	4	0	—	2 6
2d Do.	—	2	0	—	1 3
3d Do.	—	1	6	—	0 11

“ And deponent further saith, he believes the rates aforesaid, are the same, or nearly the same, at which tithe set at the neighbouring parishes; they being circumstanced much alike, with respect to their distances from market and sea-port towns, being above four miles from the former, and eighteen from the latter.”

I do not, as is evident, rely on these affidavits for a general average, but on the returns of the Clergy, which state the value of the crops somewhat lower, but the tithes higher than these affidavits;—a further confirmation of their impartiality.

I annex

They state that a number of corn mills are established every where in the county of Cork, which form a ready and sure market for it. That the sea-ports of Cork, Youghal, Kinsale, and Dungarvan, carry on a very considerable export corn trade, and that most of the inland towns are connected with these, either by their vicinity, or navigable rivers—which produces a similar effect. That on the sea coast, and near Cork especially, a number of fishermen, mariners, &c. &c. are settled, who tilling nothing themselves, depend for their subsistence on the purchase of tithe, which they would gladly take at a much higher valuation than it is offered to the proprietor for; which contributes, in some degree, to raise tithe to something nearer its real value, than in other places. Though with all these advantages, it appears the average rates of tithes in these dioceses are very little more than the twentieth of the average of the crops; a cir-

I annex the following valuation of the value of the crops in the diocese of Cloyne, formed by most judicious farmers: The rate of tithe is also annexed. In this statement the value of the crops is higher than that of the Clergy, in consequence of the great allowance made to the farmer by the tithe valuator, estimating the quantity of the crop.

English acre produces,				Value.		
				£.	s.	d.
Potatoes	50	barrels, at 3s. per barrel		7	10	0
Wheat	4½	— 20s. —		4	10	0
Bear	10	kilderkins, at 6s. 8d.		3	6	8
Oats	10	do. at 5s.		2	10	0
Meadow		—		1	10	0

Tithe value.			Tithe rate.		
	s.	d.		s.	d.
Potatoes	15	0	set for	6	0
Wheat	9	0	—	5	0
Bear	6	8	—	4	0
Oats	5	0	—	2	2
Meadow	3	0	—	2	0

cumstance

cumstance which strongly proves that the general low claims for tithes, are the result of moderation, not necessity; because these claims are found to be low, even where the circumstances of the country preclude such necessity; by affording a ready market, and a number of buyers emulous to purchase tithe, which ought naturally to produce a high price. Or if this is denied, the other side of the alternative must be granted; even, that however anxious to obtain the full value of his tithes the clergyman may be supposed, and however the concurrence of circumstances may seem to favour his wishes, yet the nature of the property, and the temper of the times is such, as necessarily to prevent him from obtaining any thing near the full value of tithe, much less from extorting above that value. Which ever side of this alternative is embraced; whether the Clergy are supposed to relinquish their property from necessity or choice, to be objects of our pity or our praise, surely in neither case are they entitled to our censure or reproach.

Mr. Grattan is said to have affirmed of the county of Kerry *, " That if he was well informed, " merciless rapine, and remorseless speculation are " every where to be found in it. The whole body " of the people of that county are against proctors " and tithe farmers; therefore the voice of justice " and the grievances of the people call loudly for " an act of commutation.—I observe, the whole body of the people being against proctors and tithe farmers, is not entirely enough to prove that their voice is the voice of justice; and that though they may loudly call for an act of commutation, it does not immediately follow, that their grievances really require it.—To prove these points, we ought to be convinced Mr. Grattan was well informed,

* *Vide Franklin's Report, page 29.*

and his charge of universal rapine, and remorseless speculation, as firmly founded as it is strongly expressed. To enable the public to judge of this, I submit to them the following account of the mode of valuing, and the rates of selling tithe in that county, formed by a respectable clergyman, resident in the diocese for eighteen years, collected from his own experience, compared with the accounts of a very great number of proctors and clergymen in the most distant districts, at a time when the idea of such a charge, from such a man as Mr. Grattan, was most remote from his thoughts, and consequently more worthy of credit if it refutes this charge, because not formed for that purpose.

The mode of valuing tithes in general use is this:—The valutors pace the length and breadth of the field, compute thence the number of beds contained therein, and the number of *spades* * to each bed, and according to their judgment, from the nature of the soil and appearance of the crop, allow a greater or less number of spades to a *peck* † of potatoes, from nine up to twenty, and from one to four spades to a sheaf of corn, and more or less sheafs to the peck, according to the species and goodness of the crop.

The valuator having thus ascertained the quantity of tithe, with as much accuracy as can take place—where to survey would not be allowed, and to weigh and measure is impossible—submits this valuation or field book to the proprietor, who affixes to the several articles of provision, a price regulated by the medium price of the season, at

* A spade of ground is five feet three inches long, by twelve feet wide, in the bed and furrow. Fifty-six score of them are equal to a plantation acre.

† For the peck of potatoes, &c. see the annexed certificate.

the contiguous market town, but always considerably, in general one fourth, below that price.

Thus, by the annexed certificate * it appears, that in the year 1786, a remarkably cheap year, potatoes sold on an average at one shilling and sixpence per peck: the tithe rate is scarcely ever more than one shilling and one penny.

Wheat two shillings and eight-pence per peck, (though tolerable wheat is seldom sold for less than three shillings per peck, and from May to November three shillings and sixpence;) average tithe rate two shillings.

Tithe of bear ninepence per peck, fifteen shillings per barrel; sells generally at eighteen or twenty shillings.

Oats sell for ninepence halfpenny per peck; rated at sixpence halfpenny.

Flax of little account; generally rated so as to produce between six and seven shillings an acre; worth ten shillings.

Meadow two shillings and ninepence; worth four shillings per acre.

* We the undernamed provost and clerk of the market of the town of Tralee, in the county of Kerry, do hereby certify the under-affixed prices to be the middle prices of this market for last year, that is to say, for potatoes, wheat, barley, and oats, and also the weight of each peck. Given under our hands this 6th day of January, 1787.

	<i>lb.</i>		<i>s.</i>	<i>d.</i>	
1 Potatoes	135	each peck, price	1	6	per peck.
2 Wheat	35	—	2	8	—
3 Barley	28	—	0	9½	—
4 Oats	24½	—	0	9½	—

THOMAS COLLINS, Provost of Tralee.
JAMES O'BRIEN, Clerk of the Market.

N. B. Above two pounds of potatoes for a farthing.

But not only are the tithe rates much lower than the market rates, but the quantity usually estimated by the proctors on the acre is nearly on an average one-fourth less than the real moderate produce sold at the market. This last the author proves by stating the number of spades allowed to produce a peck of each crop, in good, middling, and bad ground; calculating the value of the entire acre at this average tithe rate, and comparing this with the real moderate value of the entire acre, at the true quantity in each sort of ground, and striking an average on all three. To avoid tediousness, I only annex the real average value of

The crop.	Consequent value of the tithe.			Real tithe rate, plant. acre.			Ditto Eng- lish acre.					
	£.	s.	d.	s.	d.	s.	d.	s.	d.			
Potatoes	8	3	0	-	16	3½	-	9	2	-	5	8¾
Wheat	7	10	0	-	15	0	-	8	0	-	5	0
Bear	4	10	0	-	9	0	-	6	0	-	3	9
Oats	3	3	0	-	6	3½	-	3	3	-	2	0½
Meadow	2	0	0	-	4	0	-	2	9	-	1	8¾
Flax	7	0	0	-	14	0	-	7	0	-	4	4½

By this estimate it will easily appear whether Mr. Grattan was so well informed by those who taught him to believe the county of Kerry was an indiscriminate scene of peculation, rapine, and injustice.

N. B. This statement is confirmed by the returns of the clergymen of the diocese of Ardferit and Aghadoe, who return not the acreable rate, but the rates at which the peck or barrel of each sort of tithe is sold, the average of which agrees with that above stated.

I conclude this account of the average rates of the Clergy, by appealing to the testimony of a respectable lay man, presented to the public long since, the accuracy of which no one of the numerous opposers

posers of the Clergy (Mr. Grattan's informers excepted) has ventured to controvert; and whose coincidence with the returns of the Clergy, formed at such different periods, and conveyed through such different channels, must give to each additional strength of evidence, and conciliate greater readiness of belief*.

" The clergyman, his farmer, or agent, usually
 " lies at the mercy of the occupant; who, by giving
 " the legal notices of setting out his tithes at times
 " which he knows must be inconvenient to the person
 " entitled to draw it, can always command the
 " market on his own terms; and thus he commonly
 " purchases his tithe by the acre or in gross, at
 " twelve months credit, and on his single note, at a
 " rate seldom exceeding the one-half, of ten not
 " amounting to the one-fourth or one-eighth of the
 " real value.

" This will appear from the following calculation,
 " which I have procured from those whose experience,
 " intelligence, and integrity render them the
 " best and the most impartial judges of this part of
 " the subject."

* *Vide Considerations on the present Disturbances in the Province of Munster, by Dominick Trant, Esq. 3d Edition, pages 35 and 36.*

Full value of an acre, plantation measure.		Real value of the tithes.		The rates for which the Clergy sell their tithes in general, in the province of Munster.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	
at 15 0 0		1 10 0	0	The tithes of the best acre of potatoes is usually fold for 10s. and in general for 8s. fre- quently for 7s. 6d. and very often for 5s.
at 20 0 0		2 0 0	0	
at 7 0 0		0 14 0	0	This is fold usually at 6s. 7s. and 5s. This is fold generally for 8s. or thereabouts.
at 12 0 0		1 0 0	0	
at 6 0 0		0 12 0	0	Six Shillings is the usual price demanded, often 5s.
at 8 0 0		0 16 0	0	
at 3 0 0		0 6 0	0	2s. 6d. and 3s. the usual prices; for the best 3s. 6d. is sometimes demanded.
at 5 0 0		0 10 0	0	
at 3 0 0		6 0	0	From 2s. to 3s. are the usual prices. <i>N. B.</i> No agutment is paid here as in England.
at 4 0 0		0 9 0	0	
at 6 0 0		0 12 0	0	The title for the best acre is generally fold for 8s.—6s. is the common price, and 5s. is frequently given.
at 10 0 0		1 0 0	0	
N. B. Five plantation acres are equal to eight English acres.				

The land in many parts of the counties of Tipperary and Limerick, and elsewhere, broken up for potatoes, in single fields, for two crops, is generally rented at from five to seven guineas per plantation acre each year, and a good crop is moderately estimated at from 1 ⁵l. to 20l. per acre,

An acre of wheat is supposed to be worth
from 7l. to 12l. exclusive of the straw, }

An acre of barley and bear is worth from
6l. to 8l. exclusive of straw, - - }

An acre of oats is worth from 3l. to 5l.
exclusive of the straw, - - - }

An acre of meadow, supposing it to pro-
duce from 2 to 3 tons, at 33s. per ton, }

An acre of flax is computed from 6l. to
10l. - - - - - }

From this statement, it also appears how little credit Mr. Grattan should have paid to those who informed him, that in many instances the tithes of the farms amounted to the rack-rent of the landlord; for it appears that the main rent paid for potatoe ground, which is thus well prepared for the succeeding crops, and hence is beneficial to the landlord, is not less than six pounds, and eight shillings the main rate of tithe, one third less than the tenth of the rent: So that the clergyman receives no recompence at all for the increase by the tillage, though entitled by law to the tenth of the full produce, after cultivation.—And the tithe of potatoes forms nearly one half of the clerical support throughout Munster.

I have now proved the moderation of the average rates at which tithes set throughout Munster, from the solemn and accurate returns of the Clergy to their bishops—evidence which may well be opposed to Mr. Grattan's "Schedules from private hands, capable of being verified on oath—his tithe proctor's bills and receipts, and the multitude of the affidavits in his hands," which must be great indeed to afford a sufficient foundation for computing the rateages paid for the different articles in Munster. If these are average rateages, because no individual but the clergyman can have authentic evidence of the rates paid by a whole parish, without consulting every particular landholder in that parish, to learn from him every price he has paid for each article for some years past, the affidavits necessary to prove this in one parish, would not be few, and for the whole province of Munster, very voluminous indeed; nor do I believe Mr. Grattan will assert, either that his informers collected, or that he himself combined such an unwieldy mass of evidence; therefore however *easy*

it might have been to procure a multitude of affidavits, witnessing the extortions of the Clergy in the South, and however *worthy of implicit credit* these affidavits may be supposed, I do not believe Mr. Grattan's are as yet numerous enough to prove any thing more than the rates paid in particular cases.—Passing them by, therefore, as irrelevant to the present question, I proceed to his other sources of information.

The first is the returns of persons appointed since the commencement of the compensation-act. This would, I acknowledge, be authentic evidence; but is unfortunately, from its nature, ill calculated to prove the amount of average rateages.

The act directs, “ That the petitioner shall annex to his petition, a schedule of the names and places of abode of the several occupiers of land, in his parish against whom he seeks to recover the value of the tithes of the year 1786, and the *total value of the tithes of the said year, without specifying the particulars.*—The truth of which schedule is to be confirmed by affidavits, setting forth, That the sums claimed are made up as near as in deponent's power, to the different rates, per acre or otherwise, which have for three years last been paid.” But neither is it here necessary to state what the rates per acre were, but merely that the present charges are made *according to the rates charged* for the three last years.—The compensation-act therefore does not require *acreable* returns; and it is not to be supposed that any man would enter into such a detail, at once troublesome, tedious, useless, and *informal*; or that the referees would have admitted of schedules containing such details. I have examined the office where these returns have been deposited, and I find the schedules and affidavits, as far as they could be had to examine, conformable to the act;

act; and am informed they are every where so, without any trace of acreable returns, except in one instance of a return from Limerick, which contains an account of acreable charges, but only deduced from the claims of one, or at the utmost two gentlemen; for the schedules of the county at large, I am informed, are according to the act.

Mr. Grattan states other acreable returns from Cork. The returns from the county are not acreable, as I find from inspection of many, but conformable to the act. These particular returns, I have not been able to trace out, but sure I am they are not average returns, nor does Mr. Grattan state them as such.

The returns of persons appointed since the compensation-act, give therefore no account of the average acreable rates in Munster, and of the particular acreable rates in very few instances.

And to Mr. Grattan's evidence in this respect, I oppose that of the prime serjeant, who declared in the House of Commons, in the debate on the compensation-bill—"That he thought it his duty to inform that House, that he tried all the claims for tithe of 1786, made by civil bills under the compensation-act, throughout Munster; and that in NO ONE INSTANCE did the defendant object to the prices charged for tithe."

What Mr. Grattan meant by reprehending the prime serjeant for acting thus as a judge and witness, I did not clearly understand; but do not think it sufficient to invalidate a testimony as authentic in itself, as it was honourable for the Clergy of Munster.

Mr. Grattan states extracts from the courts in the diocese of Cashel, which he asserts support his charges of oppression.—I observe Mr. Grattan should have proved that the value of the crops for which these charges were made, did not justify them,

them, before it could follow they were oppressive. —But these are particular cases on which I dwell not now. —On the general rates claimed in the Bishops' Courts, I observe, that these, if high, would not invalidate the account of the average rateages, from the returns of the Clergy; because these are not the rates at which tithe set to the proprietor, by mutual and peaceable agreement, but the *real value* of subtracted or contested tithes, sworn to in consequence of litigation. —If then these values are high, and the rates of setting low, this evinces the moderation, not the oppression, of the Clergy. —But the fact is, that even fraud or litigation does not provoke the clergyman to claim the full value of his tithe; for it appears by the average rates sued for in different Bishops' Courts, that the prices claimed are very inferior to the real average value of the tithe deducible from the preceding statements.

AVERAGE RATES of TITHES sued for in the diocese of CASHEL and EMLY, for several years preceding 1786.

Plantation acre.			English acre.		
	s.	d.		s.	d.
Potatoes	8	0	————	5	0
Wheat	8	0	————	5	0
Barley	6	0	————	3	9
Oats	3	8½	————	2	3
Hay	2	9	————	1	8½

In

In the diocese of CLOYNE, at the Vicarial Court of Cloyne, for several years preceding 1786.

Plantation acre.			English acre.		
	s.	d.		s.	d.
Potatoes	10	0	_____	6	3
Wheat	8	0	_____	5	0
Barley	6	0	_____	3	9
Oats	4	0	_____	2	6
Hay	3	0	_____	1	9½

" N. B. No other tithe but these were sued for in
" the Bishop's Court of Cloyne, but tithe of turf
" twice.

" AVERAGE PRICE charged by Petitioners
" in suits for prædial tithe in the dioceses of CORK
" and Ross, during the six years last past, extracted
" from the registry of the Consistorial Court of
" said dioceses.

Years.	Potatoes.		Wheat.		Barley.		Oats.		Meadow.	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
1780	8	0	5	0	5	9½	2	10	2	0
1781	7	9½	5	0	4	6	2	6½	1	8
1782	7	1½	4	0	4	0	2	4	1	2
1783	8	3½	5	0	6	0	2	5	1	7
1784	9	11	5	7	6	0	2	11	2	10
1785	9	6	4	9	6	0	2	6	3	0

Plantation acre.

Average of the six years.	8	4	4	11	5	4	2	7	2	0
	5	2½	2	6	3	4	1	8	1	3

English acre.

" N.B. The

“ N. B. The variation of the prices in the different years, arises from the circumstances and situations of the parishes where the tithes were subtracted, as well as from the fluctuating price of potatoes, corn and hay.”

The preceding statement of the rates in the dioceses of Cloyne, Cork, and Limerick, is of the more importance, to enable us to decide whether the rates in the *disturbed parishes* in the South, are as Mr. Grattan states them, viz.

	s.	s.	
Wheat from	12	to 20	per acre; it is not stated
Potatoes	8	to 19	whether English or
Barley -	9	to 13	Plantation.
Oats -	6	to 10	
Meadow -	4	to 7	
Flax -	11	to 15	
For a little } Garden }		19	

Because the returns from these dioceses are certainly *all from the most disturbed parishes*; as is proved by the melancholy experience of the clergymen; for of the forty-four clergymen who have made returns from the diocese of Cloyne, and ten others in the adjacent most disturbed parishes, and thirty-three from the diocese of Limerick*, there are not ten who do not return their proportional loss, in the year 1786, as equal to one half of their whole incomes—much the greater number higher—and many at almost the entire; and I understand they have proved their losses, and will be decreed a recompence under the Compensation-act.

Mr.

* The Clergymen of the diocese of Ardfert have, I am certain, suffered losses as great; but I could not discover as accurately their proportional loss.

Mr. Grattan also states, that in the county of Cork, the rateages, that is, as the sense requires, the average rateages, are :

	s.	d.	
Potatoes	16	0	per acre ; not specified whether English or Plantation.
Wheat	16	0	
Barley	9	9	
Oats	8	0	
Meadow	6	0	

Now the dioceses of Cork and Cloyne include nearly the whole of the county of Cork ; the average rateages of these dioceses, collected with accuracy from the highest authority, have been stated, and very different are they from the rateages of the Right Honourable Gentleman—his information, therefore, on this point, may well be questioned.

I observe further on the rates of the diocese of Cloyne, if they are exact, Mr. Grattan should question the authority which informed him, “ the *average rates of the diocese of Chester* were eight shillings an acre *less* than the average rate of the diocese of Cloyne *,” as it appears the rate of that diocese does not amount to more than eight shillings in any one article, and on the whole is little more than four. It follows, the rate in Chester, for the most valuable tithe, amounts to *just nothing* ; and on the entire is four shillings per acre *less than nothing*.—The authority that proves this, seems therefore to prove too much ; and to confirm this, I state that of a respectable beneficed clergyman in the diocese of Chester, who has returned to an eminent prelate in this kingdom, the following as

* *Vide* Graisbery’s 3d edition, Supplement, page 6 and 7.

an authentic account of the rates used throughout that diocese.

He states the Cheshire acre to be to the statute, as 64 to $30\frac{1}{4}$, and the rates as follows :

	Cheshire acre.		Nearly per English acre.				Average per Engl.	
	s.	s.	s.	d.	s.	d.	s.	d.
Wheat	12	to 30	6	0 to 15	0		10	6
Bear	10	to 22	5	0 to 11	0		8	0
Peas, Beans, Vatches, &c.	as Bear.						8	0
Oats	7	to 16	3	6 to 8	0		5	9
Hay Grass	4	to 10 & 11	2	0 to 3	6		3	9

It appears then the average rates per acre, are on the whole, nearly double those in the dioceses of Cloyne; which are not greater than the lowest rates in the diocese of Chester.

Mr. Grattan contrasts the prices he states as paid in one part of the South as above, and in the county of Cork; and still higher rateages in other parishes with those paid in Ulster, and other parts of the kingdom; and concludes, that through the whole kingdom, the tithing is on an average*, one third less than that charged in Munster.

Now I observe, granting these rates to have been really paid where Mr. Grattan states them to have been paid, he would not thence conclude these were the average rates throughout Munster; and that it seems somewhat inaccurate, to compare rateages of particular parts of Munster, selected as extraordinary and excessive, with the average rates of the other counties and provinces, and thence conclude of comparative exorbitance or moderation on the whole.

* One copy has it, but one-third of the charges in Munster. I chuse the most moderate assertion.

Further;

Further; no one can deny, that where an established usage has entirely freed a certain article, as in the present instance, potatoes and flax, from any charge, or reduced it to a fixed sum, the Clergy so far as affected by that usage, are not free agents; and consequently the comparative moderation or exorbitance of their charges can be judged of fairly, only by comparing those charges on such articles as are neither side affected by such usage.—Now Mr. Grattan states the average “price charged for wheat tithe, in the counties of Kildare, Dublin, the King’s County *, and the Province of Connaught, to be 6s. per acre:—meadow in the county of Kildare 2s. 6d.; and in the rest equally reasonable; oats and barley in the same proportion.”—Compare these with the average rates on the same articles proved to take place in Munster; and it appears, that if the acre meant is the English, they appear equal to the rates in the dioceses of Cloyne, Cork, and Limerick, greater than those of Waterford and Cashel; if the plantation, somewhat less than the former, but equal to the latter.—In neither case † *one-third less* than the rates throughout Munster, rather nearly equal to them.—The Southern Clergy, therefore,

* I find by an authentic return of the average rate of tithe in six parishes united in the vicarage of Fereal, in the King’s County, that besides the tithe of wheat, ~~barley~~ oats and meadow, flax in that country is tithed 7s. the plantation acre; sheep and lambs 3d. each; milch cows 4d.; and a shilling for each house; probably as a composition for ecclesiastical fees; now these last charges are by no means universal in Munster.—There is therefore reason to suspect that on a minute enquiry, the disparity of the burthen of tithe in these counties and Munster, would be less than at first appears.

† I am confirmed in this opinion by the following authentic account of the average price of tithes in the diocese of TUAM.

Oats,

therefore, stand acquitted of extortion and exorbitance, as fully as the Northern; and indeed, if otherwise, it would be very unaccountable.

I add, it is well known, that the Northern Clergy are, if not more numerous in proportion to the extent of the country, and one with another rather better beneficed than those of the South, yet certainly not less so; they have therefore not been less successful in providing for their own interest than the Southern Clergy.

I do not, however, deny that the Northern peasant pays less in proportion to his tillage, than the Southern. And I think it appears that the rates in the South are very much below the real value of the tenth, indeed little more than half. Therefore, when Mr. Grattan asserts, "either the Clergy
" where the rates are lower, have been grossly
" cheated of their just dues, or in the other parts
" the disparity of rateage or over-charge must be
" a palpable exaction upon, and wicked oppression
" of the people"—reason must force us to deny the latter; and to affirm rather, "that the rateages
" are too low in the North than too high in the
" South." Whether Mr. Grattan will accede to

		£.	s.	d.
Oats, per acre	—	0	4	0
Wheat	—	0	7	0
Bear	—	0	5	0
Flax	—	0	7	0
Hay, where paid	—	0	3	0
Sheep, per hundred	—	1	2	0
Lambs, every tenth	—	0	2	6
Small dues, where paid, per house	—	0	1	0

I am not certain whether the acre is plantation or English; I rather suppose the former. Compare these with the rates in the diocese of Cashel and Emly, and Waterford, in page 19, and it appears they rather exceed than fall short of them.

this opinion or not, it seems deducible from his own positions, compared with the state of facts.

If, therefore, Mr. Grattan's project of "*putting the Provinces on a level*," should ever be carried into execution, the only way justice seems to warrant, by raising the rates and revenues of the Northern Clergy, they must confess themselves much indebted to Mr. Grattan for first suggesting the idea.

Such is the authentic statement of the average rates in Munster, exactly calculated from returns most accurately made by men of a profession and character, which gives the strongest weight to their assertion; who must, from their general situation, know the facts most accurately; and from the peculiar circumstances of the case, must have been tempted rather to raise their rates above, than sink them below the truth;—and these assertions confirmed, in many instances, by the affidavits of credible men, exactly informed of the subject.

It appears from this statement, that comparing the price of the tithe with the real value of the crop, it in no one county or diocese set for near the real value of the tenth of that crop; in general, even where the rates are highest, for little more than the twentieth; in many places, much below it; thus confirming the assertion of the Bishop of Cloyne *, "That the clergyman does constantly allow the farmer a very considerable profit, frequently, I might say generally, exceeding his own income."—If then to sell at half price is exaction, the Clergy are exactors; if to surrender half of their incomes to the tenaciousness of the rich, or the necessities of the poor be

* *Vide* his pamphlet, 9th edition, page 43.

rapacity, the Clergy are rapacious.—If such conduct is sufficient to originate tumults, justify outrage, rouse the censure of the just, the indignation of the public-spirited, and the opposition of the virtuous—there can be no meaning in words—no virtue in justice, and no reality in truth—and we must have recourse to the abolition of all distinctions of rank, distributions of property, and forms of government, to free us from the crying injustice, and intolerable oppression of law, and order, and rule.—If this be so, the Clergy may see their character and property sink in the universal wreck, and feel some consolation at having afforded an origin and pretext to so blessed a revolution.

SECTION

S E C T I O N II.

Of the exorbitant Rise of Rateages, said to have taken Place in Munster.

THE evidence adduced to prove the excessive rise of rateages for tithe, which Mr. Grattan thinks are "encroachments", and such encroachments as "will justify the discontents of the people,"—is scattered so through his speech, that to give it its just weight we must collect and center it.—He asserts, † "that the rate of tithing through the " whole nation, is on an average one-third less " than that charged in Munster; the consequence " of which has been, that while the livings in the " other parts of the kingdom have risen in an honest gradation as the country improved in wealth, " in the South they have risen as the people sunk " in poverty and depression."—Granting his assertion, the consequence does not seem to follow; except Mr. Grattan could prove the rates for tithe, and the articles tithed, had been within these very few years the same throughout the kingdom, and that an unjust and excessive rise of rates, and novel claims for tithe taking place in Munster alone, had on a sudden produced the rise of livings in that country.—This he has not, and I think cannot prove; for it appears from the most exact information, that in articles unaffected by any usage, the rateages throughout Munster are at present nearly equal to those stated by Mr. Grattan as prevailing

* *Vide* Graisbery's copy, page 16, 3d Edition,

† *Vide* Ditto, 15,

through the other provinces; the difference therefore must arise chiefly from the difference of potatoes and flax tithe; and I believe there is no man now alive old enough to remember the first introduction of these tithes in Munster; the present generation of clergymen at least, must therefore stand acquitted of encroachment—This must also lessen the probability of the last part of Mr. Grattan's assertion, in itself sufficiently paradoxical; for if the rates of tithe in Munster are not higher in proportion to those elsewhere now, than thirty years ago, their rise in Munster cannot have been higher in proportion than elsewhere, and the consequent rise of livings must have been proportioned not less in Munster than every where else, to the encreasing wealth, and population, and tillage of the country.—A position so probable in theory, we may well suppose it conformable to fact; nor does the power and influence of the Protestant Clergy in the South, or the timid unresisting temper of the peasantry, appear so evident as to warrant a contrary opinion.

The next evidence of the rise of rateages is in page 27*, "where the substance of the affidavits Mr. Grattan referred to, is said to have proved that the rateages had considerably encreased for the last twenty years. By the allegations sworn to in the county of Cork, the rateages had encreased in potatoes five shillings per acre, wheat four shillings; oats two shillings; barley two shillings; there was also a rise of every thing else in the same proportion: he produced the authority of the degrees of the Ecclesiastical Court, to prove there had been a progressive encrease in the years 1771, 1773, 1774, 1775.

* *Vide* Graisbery's copy, page 27.

" 1778, &c. up to the present time, and he again
 " noticed the prodigious encrease of livings in the
 " course of a few years."—We are also told in page
 29 *, that " amongst those places where the hus-
 " bandmen wade to cultivation through bogs and
 " morasses, labouring to reclaim watery spaces
 " and dismal voids, the rateages of tithes have ri-
 " sen in these identical places, in a gradation of
 " two, three, and four fold." And the fourth al-
 legation affirms, " That in certain parishes in the
 " South, the rateages for tithe have of late years
 " greatly and rapidly encreased; insomuch, that
 " certain livings in the course of a few years have
 " encreased three, four, or five fold.

" And in opposition to the Secretary of State's
 " assertion, that tithes have not been raised in
 " their value for the last twenty or thirty years in
 " the diocese of Cork and Ross—he says, he will
 " shew that in some of the most moderate, they
 " have risen from four or five shillings, wheat and
 " potatoes to seven or eight shillings."

This mass of evidence, clear and strong as it may
 seem, is not so convincing as to leave no room for
 enquiry and hesitation.—We may doubt whether
 any affidavits could be found to prove the rise of
 rateages through the whole county of Cork to be five
 shillings an acre for wheat and potatoes, &c. be-
 cause if we compare these with the average rates
 proved to take place now through the county of
 Cork, and suppose the addition of five shillings
 per acre, &c. in the last twenty years, if the acre
 is the English, the tithe before that period must
 have been in some articles nothing, in the rest little
 better than nothing; if the plantation, not absolute-
 ly nothing, but so very inconsiderable that we can

* *Vide Graisbery's copy, page 29.*

scarce conceive the Clergy could have existed twenty years ago on such a pittance, especially if we take into account the very small quantity of tillage then in the country.—I conclude therefore much higher rates for tithe were most probably in use twenty years ago, than this statement could admit of, and consequently the general encrease should seem much less than Mr. Grattan's affidavits would prove it.

Let us, however, give the most implicit credit to Mr. Grattan's assertion, that he could obtain such affidavits (which I believe is far from impossible,) and to the affidavits themselves, should such be procured; yet it may well be doubted whether they can extend to prove more than the rise of rateages in some particular farms or town lands, or at the very utmost single parishes. Proctors, tithe-farmers, or parsons, might indeed be able to know and swear to the rise of rates in their own parishes, but sure I am, Mr. Grattan relied not on their authority, and for other men to discover accurately and recollect clearly all the rateages for every titheable article in each farm, or town-land of a whole parish, much more of a whole county, as they stood twenty years ago, and compare them so exactly with the similar rateages in the same places as they now stand, as to be able to swear to the difference of acreable charges, on the whole, seems to require such a tenacious memory, and such a comprehensive swearing capacity, as seldom are found in common men.—Mr. Grattan must therefore, have collected an immense number of common affidavits, or been very fortunate in his selection of uncommon ones, to find in them adequate proof of so extensive a conclusion as they are said to have evinced. But though I have endeavoured to procure as extensive information as possible, and have

not been able to discover any instance conformable to these affidavits, I yet will not be rash enough positively to deny they may have proved such a rise of rateages, in some particular cases:—But sure I am, from the present state of rateages, collected from exact information, the average encrease through any entire county, diocese, or parish, if any there has been, can be but very small indeed, and that in very few parishes only, but certainly not throughout any diocese or county.

The next source of evidence is found in the decrees of the Bishops' Court. It must here be repeated, that if these did prove a high progressive encrease in the prices claimed for subtracted or litigated tithe, this would not prove an equal encrease in the rates they set for by mutual and peaceable agreement, but only the progressive encrease in the real value of the tithes; because the prices sued for sometimes are, and always might be, equal to that value; the rates they set for always fall very short of it.

If then, it should appear by these decrees, that the real value of tithes encreases in a high proportion, so that it now very much exceeds the present rate of setting tithe, it follows, the Clergy have not encroached on the rights or property of the people.—Thus the high rates in the Bishops' Courts would be an evidence, not of the encreasing rates received by the Clergy, but of their right to demand such encrease; and contrasted with the low prices tithe set for, would evince their moderation, not their rapacity; their continued forbearance, not their continued encroachment.—It would therefore serve to justify, not to criminate the Clergy, should I grant the rise of rateages from the decrees of the Bishops' Courts as

high as Mr. Grattan states it.—But I will not sacrifice truth to argument; I believe the Clergy are in most cases satisfied with receiving, even after litigation, rather the rates they usually set their tithes for, than those the real value of such tithes might in strict justice entitle them to claim; and that though some may expose the folly, and punish the rapacity of avaricious litigation, by encreasing their original claims, they are generally anxious only to escape such opposition, by merely enforcing them.—If this be so, we ought to find amongst the rates sued for, some particular ones very much higher than any usual rates of setting tithe; but the average of all the former would not exceed that of the latter in near so great a proportion, and the progressive encrease in the average claims sued for, would be proportioned to the similar encrease in the general price of tithes, and therefore neither rapid nor exorbitant.—Conformably to this, we find from the authentic account above stated, of the average of claims in the Vicarial Court of Cloyne, for each six years, preceding 1780, that they had at that time encreased, if at all, very inconsiderably. —Nor have they had a more rapid increase in the diocese of Cashel, for the last eighteen years; and in both, though higher than the average rates of setting tithe in the same diocese, they are yet so low as utterly to discountenance and confute all charges of exorbitance and exaction.—This coincidence of reasoning and facts may evince more strongly the justice of the former, and authenticity of the latter; and from this view of the nature of the claims in the Bishops' Courts, we may reconcile this statement with Mr. Grattan's information, supposing it to be true in each particular instance alledged, but consisting of only particular instances—not the average of all the claims for the successive years—for his informers might easily

easy have *settled cases* in successive years rising above each other in the amount of their claims, by a rapid and exorbitant gradation, and stated them as clearly proving a similar *general* rise of rateages; while Mr. Grattan's zeal to discover and display the grievances of the people, might have prevented him from attending to the inaccuracy of the reasoning; and as he seems not to have distinguished between the general rates of setting tithe, and the prices claimed for it after litigation, he might have overlooked the not more obvious distinction between the progressive rise in claims of particular cases, and in the average resulting from the combination of all, though the latter alone could prove the general conclusion deduced.—It is to be lamented, his hasty view and consequent inaccuracy in both cases, should have led him to represent the claims of the Clergy as exorbitant, and their conduct culpable. This tendency alone induced me to dwell on them, though with reluctance, for no friend to the national character of Ireland, for masterly eloquence, can take pride in dwelling on the inaccuracies of Mr. Grattan.

The other facts Mr. Grattan states to prove an exorbitant rise of rateages, are the rise of rateages in land reclaimed from barrenness, and the rapid rise of livings.—For the first it seems obvious that in such grounds a rise of rateages must take place rather than any where else—Barren lands can pay no tithe—they must be reclaimed by tillage, and therefore at the first outset became titheable, continued industry doubles and trebles the value of the successive crops, and consequently of the successive tithes. Is the clergyman then blamable for demanding a similar rise of rateages for his tithe, if his first demand was moderate, and each encreasing demand preserves equal moderation?—Will Mr. Grattan accuse the landlord of injustice for

for doubling or trebling the rent of such improved land, after the first lease is expired? Or will he say, the clergyman should in justice give up his tithe to pay for the improvement of all the barren land belonging to every squire in the parish, to the great diminution, possibly the utter annihilation of his own income, since the farmer while he is reclaiming barren land, will turn to grass, which pays no tithe, the land he otherwise would have tilled? In doing this, he might be generous; but for not doing it, it is somewhat severe to term him unjust. I conclude, therefore, the rise of tithe and rateage in reclaimed grounds, is natural, necessary, just, except where the amount of the rateage is exorbitant; and there seems no reason to suspect the rateages of tithe in reclaimed grounds should be in general more exorbitant than elsewhere.—Mr. Grattan indeed states exorbitant rates to have been paid in such grounds, in terms that leave it doubtful whether the assertion is meant as general, or only a statement of particular facts; if the former, it probably is not founded on more authentic or exact information than his other general statements which I have before endeavoured to overthrow.—If the latter, it is not conclusive to establish a general charge, and such only I here am anxious to confute.

The rise of livings Mr. Grattan seems to have thought, must necessarily proceed solely from the rise of tithe rates, and therefore decisively prove it. Yet the former seems wholly distinct from the latter, and easy to be accounted for without it. The rise of livings depends not so much on the rise of tithe rates, as on the encrease of population, wealth, and tillage, in the country.—Any very considerable rise of tithe rates must be difficult and invidious, and therefore probably local and temporary; while the latter causes must operate universally, constantly, equitably,

equitably, and silently—and in this country, of late years especially, must have been rapid and extensive in their influence.

Within these few years, “the various exertions “and bounties wisely held out by the legislature;”—the land-carriage bounty, operating in the most remote provinces;—the well-directed rewards for agriculture, distributed by the Dublin Society;—the erection of numerous distilleries and corn-mills*;—and above all, the activity of unshackled commerce—have roused a spirit of industry, exertion, and enterprize, till lately unknown to this country;—a spirit that in the North has chiefly operated by encreasing our linen trade;—in the South, by encreasing the tillage of the country, which within these few years has more than doubled or trebled; insomuch that, as Mr. Grattan truly states, “instead of being a country that had “occasion for foreign supplies, we have become “an export country of grain†.” And thus there must have been a great and rapid encrease in the quantity of tillage, and consequently of tithe, within these few years, abundantly sufficient to produce a rise in the value of livings, without our

* In one of the livings Mr. Grattan is thought to have alluded to, as having risen to nearly double its value, in the course of twenty-seven years; this was caused by the encrease of tillage, in consequence of the erection of a corn-mill—the rates having been preserved unaltered.

† And in the still more particular and strong assertion of the speaker, in the debate, on reducing the interest of money, “in “1774, you had not bread to feed yourselves; you now export to “the value of £400,000. *per annum*.”—The tithe of this would be £40,000. *per annum*; the twentieth £20,000.—I much doubt whether, if all the rise on all the livings in the whole kingdom since 1774 was calculated, it would amount to half this twentieth, much less the tenth; and Mr. Grattan must prove it exceeds that tenth, before it follows the Clergy are exorbitant.

having

having recourse, like Mr. Grattan, to the enproachment of the Clergy as its cause—a charge improbable in theory, and it appears repugnant to fact; for if the preceding account of the average tithe rates in Munster is well founded, they are now not only very much inferior to the real value of the tithe, but remarkably moderate; therefore, I conclude, the general rise of those rates has neither been exorbitant or unjust. Mr. Grattan must falsify my evidence, and prove my statements ill-founded, before he can overturn this conclusion; I rest therefore secure of its stability.

But having proved there has been no general exorbitant or unjust rise of rateages, and that the evidence (if assertion can be called evidence) which Mr. Grattan has brought to prove this is inclusive, I will not go so far as to say there has been no rise of rateage at all, in any particular instance, in any particular place; for though I am confident such encrease of rateage, has happened but in very few instances, if in any, it is not necessary to the defence of the Clergy, that it should not generally have taken place.—I might grant that in the most moderate parishes, the rates of tithes have risen, within the last twenty or thirty years, very considerably, and yet still contend that these are not only comparatively, but absolutely moderate parishes; that such a rise is not only just, but necessary.—Has not the value of money diminished considerably during that period *?—Has not the acreable rentage of land encreased considerably?—Has not the price of almost every necessary of life

* The bill introduced this session, to lower the interest of money, and the arguments advanced to support it, prove this diminution of the value of money. The rentage of Ireland is thought to have nearly doubled within these last thirty years.

encreased

encreased also considerably?—And if so, are the Clergy alone to be excluded from all rise in their revenues, and obliged to submit to a continued encrease of their expences—thus growing in penury, as the nation grows in wealth, and sinking into misery as every rank of men rises to affluence and ease? This were severe indeed, and I presume Mr. Grattan does not mean this, though his argument requires, and his speech certainly tends to effect it.

The Clergy then are strictly justified in receiving a rise of rateage for tithe, proportioned to the decreasing value of money, and encreasing price of the necessaries of life and rent of land. But the present low rates of tithe prove that they have not raised their prices in, by any means, so high a proportion any where; and it is incontrovertibly true, that in most places the rates of tithe have not varied for the last thirty years. It follows, they are not encroachers on the people, or oppressors of the poor; and that the rise of livings in the South, as well as the North of Ireland, has followed that “honest gradation” which is proportioned to the progress of general population, tillage and wealth.

Had Mr. Grattan been disposed to listen to any other complaints than those of the peasantry in the South, or had he obtained an impartial account of the state of facts there, he would have found that in many places usages are established, which prevent the rates of tithes from rising at all.—That* in most where no such usages were established, the Clergy have not raised them.—That it is so common a practice for every incumbent to retain the rates,

* Thus in many parts of the county of Clare, I am well informed, potatoe gardens, however large, pay but 6d. each.

of his predecessor, that when the contrary happens, it is uniformly objected to, generally censured, often resisted; though at the expiration of a long lease in land, a considerable rise in rent is always demanded without scruple, and paid without murmur.—That in many places, even previous to the disturbances, the people had encroached very considerably on the rights of the Clergy, even in the county of Kerry (that scene of peculation and rapine, to use Mr. Grattan's expressions); they have within these last seven years, deprived them of lamb and milchmoney, and of their ecclesiastical dues, altogether amounting, as I am well informed, to nearly one-eighth of their whole incomes; that ecclesiastical dues* are demanded in very few places, though payable every where by law or usage.

Such are the "encroachments of the Clergy," "sufficient to justify the discontents of the people;" such are the sources of lamentation and outcry, and censure and complaint.—Such are the chief grounds on which Mr. Grattan thinks it just still further to limit the claims, and diminish the revenues of the Clergy. Others however remain, which I proceed to examine.

* I find several clergymen in the diocese of Cloyne declare, they uniformly give up the small dues to such as will consent to take the great tithes.

SECTION III.

*Of the illegal Demands for Tithe, said to be made
by the Southern Clergy.*

IN Mr. Grattan's speech, as reported by one, we hear it asserted*, " that tithes of a particular nature, unfashioned by law, were levied on the poor in the South; he lamented their inability to pay them, and reproached in terms of ardent indignation, that spirit of speculation and rapine, which brought down misery and famine on such a useful body of men; and immediately after, when these demands are opposed, litigation ensues, and often the pastor, tithe-proctor, and tithe-farmer, with every mischief in their train, unite to bring down on the lowest and most useful of the community, accumulated ruin."—And in the other copy †, after stating what those illegal demands were, Mr. Grattan triumphantly asserts, " Either you must deny the fact, which is too notorious to admit of doubt; either you must justify it, which is utterly impossible, and the very idea, shocking to humanity; or you must admit, the absolute necessity of an immediate enquiry."—We should naturally expect to prove

* *Vide Franklin's report, page 4.*

† *Vide Graisbery's report, page 9. 3d edition.*

such dreadful effects had taken place, and to evince so decisively the necessity of a general enquiry; that we should be presented with a catalogue of illegal demands, numerous, universal, exorbitant and unjust—and may be somewhat surprized to find this dreadful array, shrink on close inspection into a *single demand**, the tithe of turf, and its associate, the tithe of furze.

Mr. Grattan asserts the *tithe of turf* is illegal†.—This I deny, and I support myself on the authority of the Lord Chancellor, who, in a cause tried in the month of last February, decided that “turf is not titheable except where immemorial usage is proved to the satisfaction of a jury.”—Where such usage can be proved, it is therefore titheable

* In Mr. Franklin's copy, page 17, it is stated, that tithe of turf, POTATOES, and smoke money, are levied contrary to law.—It is impossible to believe Mr. Grattan asserted this of potatoes—but it is to be lamented his not publishing his real speech should leave room for an assertion to be supposed his, which may rouse the peasantry to refuse a tithe, the non-payment of which would at one blow deprive the Southern Clergy of near half their revenues.—So easy and dangerous is misrepresentation on this subject.

† Mr. Grattan speaks much of a commutation of the tithe of turf for a smoke tax, and of the proctors as the collectors of this tax. I have enquired diligently in Munster, and do not find that any man, layman or ecclesiastic, has heard of such a tax; but I find this is the name the hearth-money tax is known by among the common people in the North.—Mr. Grattan says, “Proctors are sometimes appointed tax-gatherers by the interest of their employers,”—and “they are so faithful to the interest of their employer, as sometimes to remit the tax, and levy the tithe.”—This is very extraordinary, and leads me to suspect he has by mis-information or rapidity, been led to mistake or confound these taxes together.—At any rate the smoke tax is only a commutation for tithe of turf, established by usage, and proves more strongly the previous usage of turf tithe.

of common law. And I assert it is on this ground it has been claimed and received by the Southern Clergy, in the very few places where it is paid; and the assertion is confirmed from observing, that in the vicarial court of Cloyne, for several years preceding 1786, no tithe of turf had been contested but twice*, which proves either tithe of turf was not claimed in that diocese, or not disputed as supported by immemorial usage. Nor is there the shadow of probability the case is different in other dioceses. In the court of Cashel, I do not find any suit for tithe of turf has been carried on for the last eighteen years; and I am well informed it is no where paid in that extensive diocese.—In the county of Kerry also, I am well informed, tithe of turf is no where paid; and if no encroachments in this respect have been made “in that scene of speculation and rapine†,” we may presume they have not been made any where else. There are also, as I am informed, very few parishes in the county of Limerick or Cork, where such tithe is paid—in some I know it is, but on a claim supported by immemorial usage; I think it therefore probable, of all.

And Mr. Grattan’s assertion “that tithe of turf “has been farmed, and for it, poor wretches have “been thrown into prison,” rather confirms, than invalidates this assertion; as it shews the proprietor offered that tithe to sale as confidently, found a purchaser for it as readily, and urged the legal claim for it with as much success, as for any other; circumstances which tend strongly to shew the claim was as generally acknowledged, and

* In one of these, the defendant suffered himself to be excommunicated, for *contempt in not appearing*.—In the other, the promonent exhibited a libel, and took no further steps.

† *Vide* Mr. Grattan’s speech as above.

firmly founded, as that of any other tithe; which it could only be on immemorial usage, generally acknowledged and clearly proved.—And where such usage prevails, are the Clergy, who avail themselves of it, culpable?—Shall an established usage be sufficient to abolish tithe of potatoes in whole provinces—to limit the tithe of flax—though the letter of the law gives a right to them every where? and shall it not be sufficient to establish an inconsiderable tithe in a few parishes?—Shall it establish the tithe of tin in Cornwall, and not be sufficient to establish that of turf in Ireland?—Are usages sacred only when operating against, and despicable only when operating for the Clergy?—Are they bound to observe such usages when unfavourable, and unjust in continuing them, when the contrary?—Is this reason, or justice, or law? If so, the property of the Irish Clergy is insecure indeed.—To state such principles is sufficient to confute them; I dwell on them no longer, but conclude this head with observing, that if the industry of Mr. Grattan's informers could not select any instance but this one, where the demands of the Clergy are not justified by the strict letter of the law; and if the highest legal authority declares this article is titheable of common law, (as well as every law book extant on the subject) the Southern Clergy must stand fully acquitted of illegal demands.—Further, if this article is paid very rarely, and where paid cannot be considered either as a chief support to the Clergy or burthen on the poor, it is somewhat extraordinary, Mr. Grattan should place it at the head of his list of clerical oppressions, and somewhat to be lamented, he should represent it in such hideous colouring, and of such extensive magnitude.

Having

Having defended the Clergy against the charge of illegal demands, I go further, and assert they have relinquished many demands, strictly legal; whether of necessity or choice, the charge of encroachment is equally refuted, and the reproach attending it equally unjust.—I support myself in this assertion by the public testimony of a man of information and veracity, a layman and a lawyer, delivered before Mr. Grattan's speech, and uncontradicted by it, and therefore more valid as a confutation of the charge it contains*.

“ The Clergy of Ireland, justified by law in
 “ demanding and taking the tenth of all prædial
 “ and mixed products of the earth and of cattle,
 “ and of the clear profits of all trades and indus-
 “ try, have, in all parts of the kingdom, either
 “ declined to demand, or been unjustly deprived
 “ of the tithe of a great number of those articles
 “ to which they are by law entitled: personal
 “ tithes, one great component part of the reve-
 “ nues of the ancient Christian Clergy, are now,
 “ in practice, unknown in Ireland, by the modera-
 “ tion of the present Clergy; many products of
 “ the earth and of animals, titheable in their own
 “ nature of common right, and titheable by the
 “ modern daily practice of England, are never de-
 “ manded, either in kind or composition, in Ire-
 “ land; an English titheing-table contains almost
 “ every article of the longest feedman's catalogue,
 “ and many products of an animal nature; it in-
 “ cludes every thing which grows in fields or in
 “ gardens, even green-house plants and pine-ap-
 “ ples; wood under twenty years growth, and

* *Vide* Mr. Trant's Considerations on the Disturbances in the Province of Munster, 3d edition, p. 32, 33.

" even ancient woods, if of a species not usually
 " denominated *timber*; honey, fish, rabbits, eggs,
 " fruits, beans, peas, mills, orchards, and nume-
 " rous other articles, are daily tithed in kind
 " through all England; agistment of cattle forms
 " a great part of the English clergyman's income;
 " *here* those several articles, and many more, are
 " absolutely unproductive to the Irish clergyman,
 " and, of the benefit of the agistment-tithe he has
 " for a long time been most impolitically deprived,
 " in the most extraordinary and unconstitutional
 " manner."

With this authentic evidence, I beg leave to con-
 trast a statement of what Mr. Grattan terms so
 weighty a grievance, as of itself should indicate
 the necessity of a speedy regulation.—“ That
 “ the demand of one tenth is a grievance every
 “ one will admit; it is a truism beyond dispute.
 “ — But when the one tenth is demanded, if
 “ you calculate justly, what with the labour, and
 “ all the certain and incidental expences of culti-
 “ vation, it amounts at least to a demand of one
 “ sixth; that is, one sixth of the whole produce of
 “ the kingdom would fall to the share of eight or
 “ nine hundred individuals; while for the re-
 “ mainder of three million, would be left only
 “ the remaining five parts; a grievance so monstrous,
 “ as *prima facie*, to speak for itself (*And how have*
 “ *we escaped it? hear, Mr. Grattan!*)—But it will
 “ be objected that the demand of the full tenth is
 “ not made; for that very reason a regulation is
 “ necessary. Are the Clergy so distinguished for
 “ meekness, moderation, and a contempt of the
 “ goods of this world, that you can with safety or
 “ prudence suffer the prosperity of the subject to
 “ hinge

"hinge on their forbearance?" Indeed *!! is it then from the *forbearance* of the Clergy, that this demand has not been hitherto made? If the Clergy have had it constantly in their power to claim and obtain one sixth of the whole produce of the kingdom for their support, and have been *forbearant* enough to remain satisfied with one fortieth, I verily think they may be trusted with any thing.—But I will not compliment them at the expence of truth—One third of the tithe of the kingdom has been vested since the revolution, in lay hands; and the remainder has been so effectually curtailed by the obstinacy of avarice, the subtlety of fraud, and the usurpations of injustice, that Mr. Grattan need make no new regulations to guard against this so much dreaded grievance.—Robbed of the tithe of agistment throughout the whole kingdom, and restricted through three provinces to the tithe of corn, with the addition of meadow, and flax in some few places, and in Munster, of potatoes, yet on the whole, rather poorer there, than in the North; compelled within these few last years, almost every where in Munster, to relinquish their small dues; claiming the tithes of not half the articles titheable in England, and by long usage, setting this for little more than half its value; there is little danger of their ever claiming or obtaining one sixth of the whole produce of the kingdom.—They have indeed been very moderate wherever they had any thing to concede; but such concessions seem now nearly at an end. The people therefore cannot hope much from their further increasing generosity; but surely they have little reason to complain of their present claims, or dread

* *Vide* Franklin's Report, page 39.

—— Graisbery's Ditto, page 34.

their future encroachments. What purpose then can it serve to hold forth such imaginary terrors to the public, but to render the claims of the Clergy more generally formidable, and therefore more generally odious?—a step at this time, perhaps somewhat unnecessary, and somewhat unwise.

SEC.

SECTION IV.

Of the various Abuses in the Mode of valuing and collecting Tithe, said to prevail in Munster.

THE chief of these Mr. Grattan sums up in the following strong terms *.—“ The system that
 “ has been pursued in the South, seems to have
 “ had in view the very last penny of the miserable cottager.—What with over-rated valuation,
 “ what with tithing articles, not justly titheable—
 “ what with charging for more acres than were
 “ under the crop—what with estimating the rateage
 “ of tithe from the quantity of land, and not from
 “ the produce of the crop—and what with the exaction of proctorage fees—one rapacious system
 “ or code was formed, which bound down the peasant to distress, difficulty and exaction.”

The charges of excessive rateage, and of illegal demands for tithe, have been considered, and I trust fully refuted, in sections the 1st and 3d.

The next accusation, that of charging (as Mr.

* *Vide* Franklin's Report, page 19.

Grattan terms him) " the † innocent and unsuspecting husbandman for more acres than he " really possesses," is of a somewhat improbable nature. It seems strange the husbandman should not *suspect* how many acres he pays rent for generally *per acre*; or what proportion of these he has had the labour and expence of cultivating; at least this seems utterly impossible, if applied to those " miserable cottagers" on whom Mr. Grattan states these exactions are practised. It is incredible they should not know the exact extent of their single acre or half acre of potatoes, corn, or hay; and it is obvious, that though the clergyman would probably not be informed by the landlord, who generally possesses a survey already made, and would certainly not be allowed to make an actual survey, should he suspect the proctor had charged less than the true quantity of land; both these modes are open to the peasant, should he suspect the contrary.—Thus over-charge on the part of the parson is improbable, because its detection would be easy and certain, while he generally has no means of discovering or correcting any under-charge.—And so far from being culpable for valuing without survey, is necessitated to do so, as he could not venture to attempt a survey of any one tithe, much less of his whole parish, without exposing himself to general censure and odium, obviously because such a survey must very considerably encrease the charge upon the landholder, who is universally, constantly, and largely favoured in the measurement of the ground; since the valuers, who must be ready to swear to the number of acres without actual survey, if averse to perjury or sensible of shame, the consequence of any falsification of their estimate, must be

† *Vide* Graisbery's Report, page 22.

cautious to state it evidently below, rather than above the truth.—And this practice, whose origin is thus easily accounted for, is now confirmed by long and general usage, as I collect from the testimony of a number of clergymen in the dioceses of Cloyne, Limerick, and Ardfert, who in their returns to their respective bishops, state it as a fact, universal and well known.—Mr. Grattan, I know, states that he has affidavits which, by comparison of the proctors' receipts, and the survey of the land which had been sworn to, falsify the proctors' estimates. Granting there may have been some instances of such rashly intrepid falsehood, the ease and certainty of the detection prove it impossible such a practice should generally prevail.

The truth of this statement I am further confirmed in by the testimony of a number of clergymen of long experience, who assert that it is an usual mode amongst proctors, to "make (as they term it) *all the acres* of a large tillage field "good;" that is, to diminish the number of acres, if the crop is all poor, and charge the whole at a medium rate; and that if they are, as Mr. Grattan seems to suppose them to be, *unjust stewards, but yet wise in their own generation*, they may, and often do, thus ingratiate themselves with the farmers, by diminishing the number of acres, and yet preserve the appearance of fidelity to the parson, by seeming to value at high rates; and as such rates are generally reduced by the liberality of the pastor, and pertinacity of the farmer, it is evident how much this proceeding must operate in favour of the peasant. Thus it appears that whether we suppose tithe valuers honest or dishonest, the general over-charge of acres is contrary to reason, probability, and fact.

The next charge* seems to be either that the Clergy rate the tithe, merely from the quantity of the land, or that they estimate the quantity of the crop on insufficient grounds, from the partial calculation of their proctors, viewing it when the ground is red, or the crop green, and without survey, weight, or measure.—I answer, they always charge an acreable rate, regulated by the quantity each particular acre is computed to produce; which is evidently the most equitable mode.—For this computation they must rely on their

* This charge does not seem to be clearly stated in either copy; in that printed by Graisbery, page 18 and 19, we are told in one paragraph, “that the valuator views the premises when the crop is green, or when the field is red; in the one case it is evident he cannot value with sufficient precision, in the other he cannot value with any certainty at all; he therefore actually guesses at the quantity of land, and the produce of the crop, without survey, without weight, without measure.” This seems equivalent to the accusation of “estimating the rateage of the tithe from the quantity of the land, not the produce of the crop.”—But immediately after the Clergy are accused of “calculating the number of barrels or stones the acre may contain, from their own superficial or partial views, or the extraordinary and partial estimate of their proctors.” The true ground of accusation here seems to be the too minute attention to, and calculation of, the produce, without sufficient means of estimating it.

And in Mr. Franklin's Report, p. 19 and 21, after what is stated as above, follows—“This minute division into barrels and stones, is an ingenious but exceptionable device to accumulate exactions on the poor.”—Thus if the Clergy estimate “by the quantity of the land, not the produce of the crop,” they are unjust;—if by barrels and stones, “it is a mode of proceeding like an apothecary or taylor's bill, crowded with little dirty items, to swell an exorbitant account.”—The conduct of the Clergy must fare but ill, judged of by such rules as these.—But I attribute not these inconsistencies to Mr. Grattan; I only lament he has not, by stating his own sentiments in his own words, precluded all doubt and difficulty. I have endeavoured to state the charge as fairly and fully as I could—and so stated, to confute it.

proctors

proctors and valutors, because they have no other mode of ascertaining the produce.—And these must necessarily be employed by, and consequently dependent on them; but to counteract any partiality which might arise from this cause, these valutors are often sworn to deal fairly between the clergyman and his parishioners, and always must be ready to swear to the quantity and value of each particular tithe, should it be contested, which it probably will be, if rated too high. This must certainly make them cautious not to exceed the truth; and the mode they are obliged to adopt in forming their estimate will probably make them fall much below it. It is evidently impossible for the clergyman to weigh or measure the entire of any man's tillage, and thence calculate exactly the amount of his tithe; and, if possible, would certainly not be allowed: for not doing this, therefore, neither the clergyman nor his valutors are culpable. But equity requires that they should approach precision as near as the case will admit—For this purpose the valutors pace the fields, and view accurately the crop, not when "it is green, or the ground red," but in the months of May, June, and July, when it is nearly mature; and the tithe setting seldom commences till the month of August, when the farmer may generally ascertain to a certainty the quantity of produce, and therefore can easily detect and expose any over-charge, but scarcely will be conscientious enough to acknowledge and correct any under-charge. This uncertainty, therefore, must operate in favour of the landholder; and if the valuator has any fear of guilt or shame, must induce him to secure himself from both, by taking care to estimate the quantity of produce much below, rather than equal to, or
above

above its full amount. And this probable theory is confirmed by fact; for it appears from the testimony of the clergymen, in their letters to their bishops, and particularly from the authentic statement of the rates and mode of valuing tithe in the county of Kerry (where Mr. Grattan would least of all suppose the rates moderate) that the acreable produce, calculated by the proctors, is very considerably less than the real produce; and the rate charged for their quantity is very considerably inferior to the medium market rate.—If this be so, the Clergy must be acquitted of injustice or oppression on this article of Mr. Grattan's accusation.

The next article, the exaction of proctorage fees is much dwelt on.—“ We are told, that sometimes one, and more frequently two shillings in the pound are charged by the proctors on the poor for their trouble in collecting tithe; thus with as much temerity claiming one tenth of the produce of the land for their flagitious exaction, as their masters, the Clergy, with piety, do for their spiritual services. I insist on it, the Clergy might, with as much justice, and far more humanity, oblige the poor peasantry to support their coachmen, their butlers, or any other of their domestics, as to oblige them to support their proctors*.”—The justice of this accusation, and the accuracy of the reasoning, will easily appear by stating a parallel case. If a landlord were to propose letting his ground for twenty shillings per acre, and add, “ you must also pay my agent two shillings in the pound additional;”—how would this differ from a demand of twenty-two shillings per acre? And would Mr. Grattan

* *Vide* Graisbery's Report, page 11.

accuse the landlord of exaction, or deem the tenant accepting such an offer, inhumanly oppressed? Would he not consider these additional two shillings as paid really by the landlord, though nominally by the tenant? And the latter as paying nothing more than what the value of the land made it his interest to agree to. And are not the clergyman and the land-holder in precisely the same situation with respect to proctorage fees? Every peasant is apprised he is to pay these, and must therefore include them in the price of his tithe, and offer for it so much the less*. "But, says Mr. Grattan, I can adduce instances where the rateages are high, and in addition to the parson's exorbitance is the proctor's demand of two shillings in the pound for his trouble; thus making a rateage of excess and uncharitableness."—Instances may perhaps, be adduced, where the parson is exorbitant, the proctor uncharitable, and at the same time the peasant too ignorant of the quantity of his own tithe, to know its true value, or too liberal to confine himself to it. But I will venture to assert, these cases are very rare and very extraordinary: and I annex the average rates of the diocese of Cloyne, the dearest of the South, encreased at the rate of two shillings in the pound (though the proctorage is often but one, and often nothing) and compared with the average value of the crop, and let the

* In this respect it appears proctorage fees a stipulated and determinate sum, seems less oppressive than the clause universally inserted in all leases for land, which binds the tenant to pay in addition to the rent agreed on, and the present taxes—"all future public charges and taxes, to which that land may become subject to," thus binding him to a rent absolutely indeterminate.—We may add the cesses for roads, &c. are chiefly for the benefit of the same landlords who receive the original rent.

public judge whether thus encreased, they are *rateages of excess or uncharitableness* *.

The natural reason why this mode of paying their proctors has been adopted by clergymen, is not only that it proportions their payment to the quantity of tithe they must value, and consequently to their trouble, but that the proctor has so many temptations and opportunities to cheat his employer, in collusion with the farmers, who would be very willing to allow him five shillings for cheating the parson twenty shillings in their favour, that it is absolutely necessary to have some check on his self-interest, by connecting his and the clergyman's profit in some degree together; and I believe, notwithstanding this precaution, it will be found on a close enquiry, that the Clergy are *defrauded* by their managers of a much greater proportion of their property, than any other class of men in the kingdom.

There are other charges scattered through Mr. Grattan's speech which I proceed to collect and consider.—He says, “ I wish † to make the House “ sensible of the injustice of the parson claiming

* DIOCESE of CLOYNE.

AVERAGE VALUE of the TRUE TITHE.

	per English acre.	Real tithe rate.	Ditto encreased at the propor- tion of 2s. in the pound,
	s. d.	s. d.	s. d.
Potatoes	11 9 -	6 3	6 10½
Wheat	10 1 -	5 9	6 4
Barley	7 9 -	4 9	5 2½
Oats	5 7 -	3 3	3 7
Meadow	3 2 -	1 9	2 0½
Flax where paid in Munster, worth	14 0 -	7 0	7 8½

† Vide Graisbery's Report, page 20,

“ a mar-

“ a market, when he is only entitled to a field price. Gentlemen will observe that the market price is formed after all allowances not only for digging and drawing, as in the case of potatoes, but for cleaning where made.”—The exact statement as to this particular is, that the parson, by the usage of this country, is entitled to the corn and hay, ready cut and saved for use—but is obliged to dig the potatoes.—For hay then he is entitled to what it would sell for on the field perfectly saved; now I understand that meadows are valued *as they stand*, and for the price they would sell for thus standing, which is evidently less than the *field price*.—Whether this be the case or not, the constant excess of the market rate above the tithe, is abundantly sufficient to pay, for the trouble of drawing the hay to the next market-town, the only deduction the clergyman is by right subject to:—as to corn, the calculation for tithe is indeed by barrels, which appears to include threshing and cleaning; but it should be considered, the clergyman gives up his tenth of the straw, which is known by all farmers to pay abundantly for both the former—the rate is also constantly less than the market rate.

As to potatoes, the quantity calculated on the acre is so much below the tenth, and the tithe rate so much below the market rate, that I venture to assert there are few instances where the tithe when dug for the clergyman, does not produce double the usual tithe rate it would have been set for—and indeed the almost utter impracticability of procuring labourers to dig the tithe potatoes of a whole parish, or any very considerable portion of it; and the odium that would attend such an attempt, unite in proving, that a large allowance for digging must ever be necessary, and that it always

ways has been made. It appears therefore, that in every species of tithe, an abundant allowance has ever been made by the clergymen for the difference between the field and market price, as Mr. Grattan very reasonably judges, conformable to equity; and probably his informers stating, "that in many cases they did not do this," might have alledged the form of their estimates, which run—"so many barrels worth so much," as a proof of their claiming the market price, as at first sight seems to follow; and Mr. Grattan, unacquainted with the circumstances I have stated, been unable to detect the fallacy.

Mr. Grattan is next represented "as stating various decrees of tithe in the year 1783, and "asserting from this statement, nothing is more "obvious than that the Clergy and their proctors "had set forth a plentiful produce, and thereto "annexed a famine price, availing themselves of "a famine, which was unchristian and uncharitable, and making plenty itself the scourge of the "poor*."—And the other copy states the same thing as in too many cases, the deed of the proctor†.—Now, here I am forced to repeat what has been already too often repeated, but unavoidably necessary to combat the repeated inaccuracy of Mr. Grattan's reasoning, that these decrees are no proof at all that either the Clergy or their proctors "had "set forth a plentiful produce, and to it annexed a "famine price," in *their original offer to the peasant of a mutual and peaceable agreement*, but merely that two witnesses had sworn to this value of the tithes before the court, and their evidence not be-

* *Vide Franklin's Report, page 23.*

† *Vide Graisbery's Report, page 21.*

ing overturned, the court was obliged to decree according to such evidence—*secundum allegata & probata*.—It follows therefore, either the witnesses were perjured, or the real value of the tithe must amount (at least) to this sum.—But neither do these decrees prove the peasant *ever paid these rates*; because the clergyman, though empowered by law to levy the full rate allowed by the decree, does most frequently reduce the rate to very nearly the common standard.—Thus much for the particular cases: as to the general principle, that it is unchristian and uncharitable in the clergyman to avail himself of famine, by charging in a year of famine, a more than usually high price, from the unusual dearness of the markets, and annexing it to a plentiful produce, when such a one is found in a season of general scarcity—to me this seems very just and reasonable.—What! in such a year must the clergyman alone buy dear, and sell cheap?—undergo a double famine, by receiving the small quantity of a year of famine, and the small price of a year of plenty?—If this were established, it might be difficult for other men to survive such seasons; but for the Clergy, it must be miraculous.

But, says Mr. Grattan, “in such years the poor “against whom those decrees are issued, should be “the object of charity, not of exaction*.”—And does Mr. Grattan think the Clergy are less charitable in proportion to their incomes than other men?—I am sure he does not—And I will venture to assert, that in such years of sore distress, and universal calamity, they have been every where so moderate in their demands, patient in their for-

* *Vide* Graisbery's Report, page 21.

bearance, warm in their compassion, and liberal in their relief, as should procure for them, I will not say praise, but certainly freedom from reproach.

But if they wished to be charitable, it is obvious they should endeavour to keep something to bestow, and possibly they might direct their bounty better, by conferring it on such as had nothing, than by resigning their tithe to those already in possession of the remaining nine parts.—However this be, their conduct in this respect seems a subject not well adapted to parliamentary discussion, or legislative enquiry.—Mr. Grattan may form laws to make the Clergy poor, but scarcely to make them charitable.—Acts of Parliament are but awkward persuasives to alms-giving, and compulsion a clumsy mode of exciting pity, or diffusing benevolence.—A similar charge “ is made as to potatoes, which “ Mr. Grattan asserts should be rated not according to the quantum, but by the very poor condition of the peasant, and the rateage should always have in consideration the very low price of “ labour*.”—As to the poor condition of the peasant, I am forward to avow, it should influence the Clergyman to be as moderate in his claims, and as indulgent in the enforcing them, as justice to himself and his successors would allow; and I assert the general moderate rates charged for this article, prove that the Clergy are thus moderate; and the very long credit given to the peasant (in proof of which I appeal to the dates of the notes on which processes are issued by the Clergy on different assizes, which will generally be found at least *two years*) prove they are indulgent.—But I

* *Vide* Graisbery's Report, page 21.

— Franklin's, page 25.

add, Mr. Grattan cannot think the Clergy culpable, in not giving up half their incomes without any compensation, in hope of relieving the poverty of the peasantry; a hope very uncertain.—As to the price of labour, observe the principle of this reasoning: The laymen give no more than five-pence per day to their workmen, therefore the clergymen should make up this deficiency by giving their tithe to these men; thus starving themselves, to pay the labourers of every squire in their parishes. But I am satisfied Mr. Grattan intended not this, but probably only meant to express, that it were much to be wished the price of labour should be raised, or the burthens of the peasant diminished. In this wish I most sincerely agree with him, and am confident the Clergy will be amongst the most forward to concur in the former, and most happy, if the latter can be affected by any other means, than by further curtailing the quantity, and weakening the security of their support, already too narrowed and too insecure.

To judge whether the moderation I have ascribed to the Clergy, or that conduct Mr. Grattan has imputed to them, is more probable from their general situation, we must briefly advert to the nature and circumstances of tithe property.—Here the old argument so often advanced, and till now never contradicted, first presents itself, *That the clergyman cannot, by any possible artifice, extort on the peasant; because, if the latter thinks the price too dear, he may set out the tithe, and pay nothing.*—But this Mr. Grattan denies, and he supports his denial thus:—

“ The laying out of tithe, I maintain, does not
 “ relieve you from uncharitable and unchristian
 “ demands. There are provable instances of the
 “ parishioner

" parishioner having laid out the tithe, and having
 " giving due and timely notice to the parson and to
 " the proctor to draw. They have both refused,
 " and the tithe so laid out, has decayed on the
 " ground : After all, compensation has been de-
 " creed by the Ecclesiastical Court to the parson.
 " —In other cases, although the tithe has been
 " laid out, and a security offered that neither the
 " proctor nor servants of the parson should be in-
 " jured, they have refused to draw the tithe ; and
 " compensation has been decreed to the Clergy
 " by the Ecclesiastical Court. In other cases, the
 " parishioners have proposed to draw the tithe laid
 " out, for hire ; and in some, without any hire
 " at all. But these proposals have been refused,
 " and compensation decreed by the Ecclesiastical
 " Court ! I have in my hand a letter from a
 " respectable parishioner on the subject. It is di-
 " rected to the clergyman of his diocese, and is
 " conceived in these terms :—

" SIR,

" I deem it highly proper to give you early no-
 " tice of my intention of laying out your tithe.
 " I request, if convenient, you will be so good as
 " to send and have it drawn away. If, however,
 " it will be attended with any inconvenience, I
 " shall, if agreeable, draw it with my own servants
 " and horses."

" Friendly and candid as this is, it has been re-
 " fused. I must think that the Clergy lose confi-
 " dently by their obstinacy in this respect. Thus
 " the old and only remedy the parishioner had,
 " having been withstood by the law of the land,
 " the necessity of a new one—a firm regulation,
 " which

" which will obviate all occasion for either, must
 " be apparent to every man of common sense—of
 " common discretion.

" I implore the House not to credit every idle
 " tale * that rumour has sent abroad, relative to
 " the people of the South.—The impediments
 " said to be offered to the collection of tithes,
 " are rarely founded in fact. In many instances
 " they have not only offered no opposition, but
 " have voluntarily proposed to draw them with
 " their own cars, and their own cattle—and this
 " too, free of all gratuity. You should rather listen
 " to the wailings of men, born in slavery, and
 " educated in captivity! The oppression of tithe-
 " farmers, and tithe-canters has long since bent their
 " necks to the yoke of obedience, and they fre-
 " quently submit to the most cruel usages of the
 " law, to misery and famine, rather than risque a
 " litigation with their vicious oppressors."

* Though this paragraph is, in both Reports, attributed to Mr. Grattan, I cannot but think it was an interpolation of his first anonymous Reporter, and thence copied into the other Report.—Most probably the Reporter knowing Mr. Grattan's character as an orator, and judging invention and paradox the chief provinces of oratory, thought it expedient to put in a paragraph so replete with both.—And I suppose Mr. Grattan would laugh at me, if I should consider these as his serious assertions, and gravely quote, in *proof of the impediments offered to the collection of tithes*, the outrages from the public prints, and the manifestoes of the White Boys, and the proclamations of government, and the complaints of the Clergy, and the decrees of the Munster Parliament, and the speech from the throne, at the beginning of the sessions before last—the address of both Houses of Parliament—and the clauses of the Compensation Act.—This, therefore, I decline; and pass the irony, and pathos, and vehemence of the whole paragraph, as the happy production of the ingenious Reporter, with whom I have no concern.

I believe no man of sense, candour, and experience in the world, ever read over these *proveable instances* of Mr. Grattan's, who did not feel himself impressed with an irresistibly strong suspicion, that his informers had stated to him a very partial and defective account of these cases, and concealed some circumstances, which if known, would probably alter entirely the conclusions they seem to establish.

It is indeed so extraordinary, "such friendly and candid offers should be obstinately refused"—and so very evident the persons thus refusing, must *lose very considerably* indeed by their obstinacy in this respect, that if we knew nothing more of the matter than from this statement, we could scarcely avoid deciding, there must be some cause for such obstinacy and such refusal, yet undiscovered, which might account for them on less extraordinary and less unreasonable principles. But, says Mr. Grattan, "in these cases compensation has been decreed by the Ecclesiastical Court."—And the fifth allegation asserts, "there are persons ready to swear, that when tithe was duly and legally set out after due notice, no person has attended on the part of the proctor or minister, under the expectation, they suppose, of getting some other mode of recovery."

Now, granting that compensation has in these cases been thus decreed; and that this supposition, "that the Clergy expected some other mode of recovery," might be very safely sworn to (as I am very confident it might) all this does not seem to me to solve the difficulty. The decrees of the Ecclesiastical Court prove that Judges, sworn to administer impartial justice, after a public trial, and examining the evidence produced by both parties on oath, solemnly decided, that the circumstances

stances attending this setting out of the tithe, were such as to prove it either illegal or ineffectual, and consequently just and necessary. If then any credit is to be given to these decisions, it tends strongly to shew we do not know these circumstances fully.—I confess, however, if we suppose all the judges in these cases partial and unjust, so as flagrantly to violate their judicial oath, and the witnesses on the one side all perjured, on the other, all fair and irrefutable, my argument from these decisions fails.—But though this may be a fall, I do not think it will be universally admitted, as a satisfactory, solution of the difficulty.—The expectations of the ministers and proctors, proved they formed a similar opinion, and expected, either from the ecclesiastical or some other judge, similar decisions.—Now, if the tithe had been really *bona fide* set out, and free for them to use, without any apprehension of opposition or danger, we can scarcely conceive they would refuse to take it, and prefer a law-suit, necessarily attended with considerable present expence, some delay, and great odium; which could not terminate in their favour, except by the injustice of the Judge, or the perjury of their own witnesses; and when terminating in their favour, could give them nothing more than what they already might peaceably possess themselves of.

The expectation of having it in their power to enter into such a law-suit, seems therefore not fully to account for their “obstinacy in refusing such candid and friendly offers.”—How then is it to be accounted for?—Is any man so ignorant of the transactions of the two last years, as not to know that notices, penned with all the accuracy of legal precision, were printed in some cities of

Munster, and distributed among the populace, probably with instructions how to serve them in due time and due form? And so general was this spirit of respect and affection for the laws, that the inhabitants of a whole parish would often *combine* with wondrous unanimity to obey them with the strictest accuracy, serving the parson with *legal notices*, all in one day, to draw the tithe off his whole parish, after a *due* time—forty-eight entire hours.—Yet in such cases, both parson and proctor have been *obstinate* enough to refuse, and “compensation” has been decreed by the Ecclesiastical Court.”

In other cases, individuals served equally legal notices, in due time and due form; and the proctor and parson obstinately refused to attend, merely because they could procure neither man, horse, or car to assist them; all the parishioners having solemnly sworn not to do so, and being too religious to break such oaths. Yet here too they “have” been decreed compensation by the Ecclesiastical “Court.”

In other cases they have refused, though they had servants, horses, and cars of their own, merely because these servants were cowards enough to refuse running the hazard of being fleaed, or buried alive, or having their ears cropped, by the guardians or executors of Captain Right’s laws.—And where neither combination, nor oaths, nor terror, prevented the drawing the tithe, I have known instances where such offers have been refused, because attended with certain conditions, and made under such circumstances as would alter the established usage, by introducing such a new mode of laying out tithe, as the clergyman conceived would deprive him, and perhaps all clergymen throughout the kingdom, of no inconsiderable portion of their usual

usual incomes*.—Whether any, or all the particular cases, mentioned by Mr. Grattan, may be accounted for by any of these causes, I cannot positively say; because none† are particularly specified, so as to admit of an exact investigation: but I confess it seems to me much more probable they may be thus accounted for, than that the clergymen should refuse tithes legally set out, from mere obstinacy, under the expectation of recovering the value by law suits, commencing with injustice, to be supported by perjury, attended with odium, and of uncertain success.

I conclude on the whole of this matter, that Mr. Grattan has not proved, “the old and only remedy of the parishioner has been withstood by the law of the land,” *so clearly*, “that the neces-

* For an instance of such a case, *vide* that of Callage and Loftus, published this year.

† The gentleman to whom the *letter mentioned was directed*, Mr. Grattan has not named; but I have heard that a respectable Clergyman in the South of Ireland, who did receive nearly such a letter from a parishioner, was the person alluded to; and I have seen a letter from him stating, “That to this offer he had replied, that he would certainly accept of it, if the parishioner would find any trusty person to superintend the threshing or selling the tithe (which was corn,) because even his own under-steward had been sworn not to assist him in drawing home tithes, or any other business: this offer was refused, and here the matter rested.”—I add, this gentleman had been himself compelled, by personal violence, to swear to observe Captain Right’s laws.—And every person in the parish was forbidden, by the same authority, to assist this gentleman in drawing or receiving tithe.

I can also assure the public, that another respectable clergyman in the South of Ireland, offering some meal to sale, the meal-mongers refused to purchase it, because it had been made of *tithe barley*; and he was obliged to make it up for his own use: so exact and effectual was the execution, and so minute and accurate were the clauses of Captain Right’s laws, in prohibition of the collection and use of tithe.

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“sity of a new one should be apparent to every man of common sense and common discretion.”

—And I remark, that in this respect the Irish Clergy lye much more at the mercy of the farmer, than the English *, and consequently are much less likely to extort on him; because the English farmer is by law obliged to preserve the clergyman's tithe in the field, even after he has taken away his own, for a reasonable time: while in this kingdom, he may turn his cattle into the field the moment he takes out his own crop, though the parson should be prevented by any, often unavoidable contingency, from drawing away his tithe, previous to that time.

—We thus see how justly Mr. Trant maintains, “that the clergyman lyes at the mercy of the parishioner, in this respect.”

This circumstance, united with the scholastic education of clergymen, and their consequent ignorance of country affairs; and perhaps, too, some degree of liberality, and regard to public opinion and general esteem, which such an education naturally tends to produce—The nature of their property, widely dispersed, and wholly out of their power to collect, otherwise than by particular bargains, necessarily advantageous to the purchasers—the cunning, necessity, or religious prejudices of those with whom they must bargain, and a variety of other causes, affecting the Clergy in Munster, not less than those

* Here we may add the extent of the livings in England, much less than in Ireland, from the large unions frequently necessary from the poverty of the Church in this kingdom:—Also the want of glebes in numberless parishes here, to which the Clergyman could draw tithe:—and that in England this is constantly practised, without murmur, difficulty or resistance, while here it has, *till very lately*, been ever attended with odium and complaint; a clear proof how much the price of tithe generally falls short of its real value.

every where else—make it probable in theory, they would generally, either from choice or necessity, be moderate in their demands, and indulgent in enforcing them, rather than authors of a code of distress, difficulty, and exaction.—And this theory is confirmed by fact; as I think it has been shewn, that so far from being justly chargeable with over-rated valuation, their rates are scarcely ever more than half the real value of the tithe.—Instead of tithing articles not justly titheable, they have relinquished very many legal demands, and are now confined in their claims to much fewer articles than the English Clergy, though deriving their rights from the same common law—That so far from being clearly convicted of encroaching on the people, by a rapid and exorbitant rise in their tithe rates within these few years, it appears their rates are now moderate, and have scarcely anywhere risen for a long period of time, though a considerable rise would have been natural and just—That instead of over-charging the farmer, either as to acres or quantity, they constantly grant him a very considerable allowance in both—That the fees of their proctors are strictly just, and in some sort necessary—That they make abundant allowance for the difference between field and market prices—That no evidence has been adduced by Mr. Grattan, sufficient to convict them of exaction in years of famine, or obstinate rejection of the remedies allowed by law to the farmer;—but that both charges are most highly improbable in themselves, as well as unsupported by proofs*.

* Mr. Grattan has not criminated the Clergy for employing proctors or tithe farmers, or allowing canters, which has been fully defended by the Bishop of Cloyne, to whose work I refer the reader who wishes for satisfaction on this head.

To these I add, the cultivator of the ground has ever the first offer of his tithe, with a considerable preference to every other purchaser: And that tithes are given to the farmer on his single note, and with a whole year's credit, and often much more; while the credit allowed for rent is but half a year.

On the whole of these instances I draw a conclusion directly contrary to Mr. Grattan, and assert, it does appear that "*there is a principle of equity*" and moderation in favour of the tiller of the "soil;" and I rest assured that the truth of these statements will be readily acknowledged by all acquainted with the minutiae of tithe management in the South of Ireland, and willing to afford impartial testimony. It cannot be wonderful Mr. Grattan should be ignorant of many of these things, so entirely foreign to his usual pursuits; but it must be lamented, he did not inform himself more exactly and cautiously *, before he pronounced so decidedly and unfavourably on the conduct of the Southern Clergy.

* It was mentioned by a member of the House of Commons, in the debate, that one of the men who had been employed to collect information for Mr. Grattan, (but, I am confident, without Mr. Grattan's being apprised of the fact) had been imprisoned for capital offences as a White-boy; and, I hear, he was acquitted by the informer's being bribed to abscond. This informer had been promised pardon on turning King's evidence, but when re-taken was, as I am informed, hanged.—This fact though, as I am told, uncontradicted by Mr. Grattan, I will not vouch for.—It seems however well authenticated; the fellow having been so vain of his commission as to betray his secret somewhat inadvisedly.

SECTION V.

Of MR. GRATTAN'S Accusations against Bishops' Courts.

MR. GRATTAN attacks these courts with a violence which I should pass by unnoticed, if it had not led him to state his objections in such a manner, as implies the most severe imputations on the clerical character; otherwise I should content myself with observing, that whatever the constitution of these courts may be, the legislature, not the Clergy, are answerable for it; and while the law obliges these to have recourse to such courts for the recovery of their rights, the difficulties and expences attending that recovery, from the nature of these courts, are not chargeable on the plaintiffs, except their demands are unjust, and the pretexts of litigation frivolous and vexatious; charges which the conduct of the clerical order in other respects, must render improbable, and a candid enquiry into facts, would demonstrate unjust. But a recital of Mr. Grattan's assertions will evidently prove they require a more particular review.—In one * copy “ he is represented as asserting that the “ iniquity, and collusion of ecclesiastical courts is so “ flagrant a matter, and so universally known and

* *Vide Franklin's Report, pages 18 and 19.*

“ admitted,

"admitted, that to dwell on the subject for the pur-
 "pose of impressing the idea, would be a waste of
 "words, and an insult offered to the honourable
 "members who surround him."—He proceeds
 thus, "Sir, it is well known that the Vicars' Court
 "is like a Polish Diet, distinguished for nothing
 "but injustice, ignorance, and party; the judge is
 "always one of the body, or his appointment pro-
 "ceeds from it; and though in some cases the fla-
 "grant justice of the individual may controul the
 "partial umpire, yet the constitution of the court
 "is such, that none but a partial judge has ever
 "been known to preside there." And in the other
 copy * to the same purpose, "Where is the peasant
 "to seek redress in the Vicars' Court, which is a
 "party court, where the judge is one of the body
 "against whom he applies, where he is absolutely
 "appointed by that body? Is this fair, is it just,
 "is it sufferable? I admit that the nice feelings
 "and innate justice of the individual may at times
 "controul that propensity his situation imposes;
 "but I insist on it, that from the constitution of
 "the court, the judge is, to all intents and purposes, a
 "party judge." Now what is the constitution of
 these courts? The judges are sworn, like all other
 judges, to hear the evidence on both sides, and
 judge equitably, *secundum allegata & probata*.—
 When the appointment of the Bishop is confirmed
 by the Dean and Chapter of the diocese, which is
 almost universally the case, they hold their places
 during life or good behaviour, like other judges.—
 If in the course of the cause, the judge should
 exceed his jurisdiction, or any matter not of ec-
 clesiastical cognizance should arise, a prohibition

* Vide Graisbery's copy, 3d Edition, pages 17 and 18.

against himself may be granted*, commanding the judges and party to cease the prosecution; and if either shall proceed after such prohibition, an attachment may be had to punish for the contempt, and an action will be against them to repair the party injured, in damages.

Further; if after their decision is made, either party shall think themselves aggrieved, they may dissent from the decree, appeal to the Lord Chancellor, who will appoint judges delegates finally to hear and determine such appeal; and some of the judges of the land are always appointed judges delegates, and therefore his sentence will not have effect, if not acquiesced in as a just and equitable sentence.—Further, the citations must be served twenty-seven days before the day of trial.—There can be no regard paid to formality of proceedings, which the peasant might possibly be ignorant of, and thus injured; but merely to the equity of the case.—No unnecessary delay in the time of trial, as the judge must proceed to determine the cause in the most summary manner.—These courts have no power of giving to any tithe proprietor, a right to recover, or remedy for the recovery of any species of tithes, to which he is not already entitled by law or custom †.

In their decisions they are limited to award no more than one pound six shillings and eightpence costs; and no more than these costs can be incurred, however various the articles, or high the sum claimed by the plaintiff, because all the præ-

* *Vide* Blackstone, Book III. Chap. 7th.

† *Vide* an act passed in the 7th of George the Third. [I did not see this act, but took my statements from the extracts in the case of Callage and Loftus, which I suppose are accurate.]

dial tithes due to the person at whose suit the citation shall be issued, by the person cited, at the time of such citation's issuing, must be inserted in the petition, to be lodged in the registry of the ecclesiastical court, previous to the issuing of such citation; so as that no second suit shall be commenced against the same person, for any prædial tithes due before that time. So careful has the law been to limit the jurisdiction of these courts—to secure the observance of these limitations—and to render the form of trial as free from partiality, expence, vexation and delay, as could be contrived.

What is there then in the constitution of this court, whence it must necessarily be a party court?—Nothing, but merely that the judge being sometimes a clergyman, and sometimes possessing livings in the diocese of which he is Vicar-general, seems interested to support the claims of his brethren. But will Mr. Grattan say this is sufficient to induce us to believe clergymen should generally decide iniquitously and partially, in violation of his duty as a Christian, and his oath as a judge? loading himself with guilt, and his whole order with infamy; steady and deliberate in the practice of injustice, and only casually and reluctantly deviating into right?—Will Mr. Grattan judge such a representation defensible, applied to any other order of men? To the House of Lords, deciding on causes between peers and commoners, or landlord and tenant, themselves all peers and landlords?—To laymen, deciding on causes between laymen and ecclesiastics?—To the meanest order of tradesmen or artisans, whose testimony is allowed to decide on the equity and moderation of the demands made by other men of the same art or trade?—Or are the Clergy the only order of
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men of such unenlightened understanding, callous feelings, depraved hearts, and dead consciences, that we may without hesitation, admit it probable they should, on such slight temptation, be generally partial and unjust; and so strongly infected by such a spirit, that it should be uniformly communicated to every one whom a bishop selects to preside in his Ecclesiastical Court, whether layman or ecclesiastic?—Such a charge seems at least to require very direct and strong proof; let us examine whether Mr. Grattan has advanced such.—Has he shewn any considerable number of prohibitions to have been issued against these courts, which would prove they often attempted to transgress the legal bounds of this jurisdiction?—No!—Has he stated any instances of corruption, in the judges of these courts, or any circumstances which make the existence of such corruption probable?—Not one!—Has he shewn the decrees of these courts are, when appealed from, generally reversed by the civil courts, which might lead * us to suspect they were generally partial and unjust?—No!—He asserts, indeed, “that † an eminent lawyer declared, he had, in the “course of his practice, taken several exceptions “to libels in the spiritual courts, for illegal de-

* I mark this conformation of the Ecclesiastical Courts by the civil, though some presumptive proof of their justice, is by no means a necessary one; as repeals are no proof of injustice, since the Judge may have decided according to the best of his judgment, on the evidence offered, and yet his sentence be reversed. Thus we daily see the decrees of the inferior courts reversed, by the superior, and of all; even the Lord Chancellor reversed by the House of Lords; but no one thence suspects the Judges who preside in these courts, or the Lord Chancellor, unjust.—Let the conduct of the Clergy be judged of by the same rules.

† *Vide* Graisbery's Report, page 10.

“mands of tithe, and they had been all over-ruled.” And this he advances as a proof “that in uneven sciable cases for tithe, the law has never offered redress.”—The premises seem too narrow for such an extensive conclusion.—In reasoning of any of the Four Courts, it would scarcely be admitted, that the court never afforded redress, because it over-ruled the exceptions, or dissented from the opinions of any one lawyer, or any number of lawyers, however eminent. It may be said the Ecclesiastical Judges are frequently no lawyers, they should not therefore presume to differ from the opinion of an eminent lawyer, as to the illegality of demands.—This would seem to give the clients, who could see such lawyers, too much advantage above those who could not; and to allow the Judge, who is sworn to decide according to the best of his judgment on evidence, too little discretionary power in his enquiry.—Besides, a lawyer may not know the local customs so well as the Ecclesiastical Judge, which may differ from the letter of the law; and it is an acknowledged maxim, that however the law of tithing may be, it is always subject to be controuled by the customs of particular places.

But Mr. Grattan states some practices of this court; let us examine whether they sufficiently prove the assertion of its being oppressive and unjust. He is represented in one copy* as asserting, “that the most contemptible and suspicious wretch, is embraced with a holy zeal, and on the merits of his testimony this upright court, without hesitation, decides. Nay, though he were the proctor, or servant of the party, and

* *Vide Franklin's Report, page 9.*

"his bias and corruption were evident, still his evidence is admissible." And in the other copy*, to the same purpose, "The witness on whose credit these disproportionate costs are decreed by the court, is a most suspicious and contemptible witness; I admit he is not the party, but he is worse; he is the servant or proctor of the party."

To this I answer, the proctor and his assistant valuator are admitted as evidence; but it must be remarked, this evidence alone does not determine the Court; the opposite party also are allowed to produce theirs, and the Judge is bound to compare and decide on both.—I add, that the Court cannot be charged with unholy zeal, or want of uprightness, merely for admitting the evidence of the servant or proctor of the party claiming tithe; because the law requires two witnesses to swear to the value of the tithe on behalf of the clergyman, and there are none qualified to do this, except those whom he has employed to view and estimate it.—The Court therefore is justifiable in admitting of their testimony, since it is such as the law requires, and the only evidence that can be procured.—If, then, they swear to a certain value, and their testimony is uncontradicted, the Court must decree that value;—therefore, if excessive rates are decreed by the Ecclesiastical Judge, they prove not that he is unjust, but that the witness of the tithe-claimant is mistaken or corrupt, and yet the opposite party not able, or not vigilant enough to detect and expose their falsehood.—All the high rates, therefore, Mr. Grattan has stated as decreed by the Bishops' Courts are wholly irrelevant, if adduced to

† *Vide* Graisbery's Report, page 13.

prove the corruption or injustice of these Courts.
 —But it may be said, this proves indeed the Ecclesiastical Judge is by law objected, and consequently is justified in accepting this testimony.—But if the witnesses are contemptible, suspicious, biaſſed, and corrupt, the grievance remains, and the clergymen who avail themselves of such witnesses, become culpable.—I reply by asking, how this charge is proved certain, or even probable? Proctors or valuatorſ have no temptation to falſehood, but to gain the favour of their employer, or encrease their own profit by the encrease of their poundage. I appeal to the public, whether the Clergy generally act in such a manner, as to make it probable their favour should be sought or obtained by the arts of fraud or the guilt of perjury: And I submit it to all men versed in human nature, or learned in legal principles and practice, whether the very inconsiderable gain that might accrue to the proctor, by attempting to support exorbitant demands for his employer, is sufficient to induce a suspicion he would, to secure it, incur the disgrace, the odium, and the guilt of perjury!—Is not the evidence of men infinitely more interesting, received every day in every legal court, without suspicion, in proof of debts and claims of much higher amount, and which might admit of being overcharged with much less fear of detection than claims for tithe? But Mr. Grattan asserts the grounds on which the proctor forms his testimony, give an enerting scope to his bias and corruption. This assertion depends on the usual mode of valuing tithe, which I have considered in the last section; and I trust proved, that the very uncertainty of the mode on which the estimate is formed, if the valuator is averse to perjury, must tend to make him form it below, rather than above the true quantity;

quantity; and that the calculator having the means of exposing any over-charge either in the quantity or the produce of the ground, while the clergyman has no means of correcting any under-charge, the grounds on which the proctor forms his testimony, must ever render it favourable to the interests of the peasant; and conclude the present with some remarks on Mr. Grattan's remaining objections to Bishops' Courts. He asserts it is a distant court *. I answer, it is generally fixed in the metropolis of each county, where assizes and quarter sessions are held; and consequently is the most central and convenient situation for the county at large.

He asserts it is a most expensive judicature, in some cases intolerably so †, the costs are seldom

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* For a more full answer, *vide* 1st Appendix to the Bishop of Cloyne's Pamphlet, 9th edition, 3d section.

† Mr. Grattan, in Franklin's Report, page 20, is represented as asserting, "That the progress of a suit in the Irish Ecclesiastical Courts is attended with double the expence of a suit carried on in the Ecclesiastical Courts of England;" but I believe erroneously; as Mr. Grattan cannot, as a lawyer, say the tithe causes in England are tried not by the Ecclesiastical, but by the Court of Exchequer, and that a single cause tried in that Court is attended with more expence than twenty causes in an Irish Ecclesiastical Court.—For a more full defence of Ecclesiastical Courts on this head, I quote the following paragraphs from the Bishop of Cloyne's Pamphlet, 9th edition, Appendix 1, pages 115 and 116.

"Let us compare the practice of the Temporal and Ecclesiastical Laws together, on the head of expence.

"By the Tithe-Act of the 7th of his present Majesty, no costs can be given against a party in a tithe cause, greater than one pound six shillings and eightpence: And the extra costs to the persons employed by a party sued in the Ecclesiastical Court, on the score of tithes, do not usually amount to a guinea, and may perhaps not amount to a shilling.

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less than one pound six shillings and eightpence, and the sum in dispute sometimes is not more than five shillings. I answer, the costs *never can be more than one pound six shillings and eightpence*, a limitation unknown to any other court, and less costs are always decreed in proportion to the magnitude of the claim—For the smallness of the sum I answer, this is not the only case where avarice grasping at inconsiderable but unjust gain, is deservedly punished by excessive loss. Nor is the clergyman proved litigiously or culpably tenacious by the smallness of the sum, which may be only five shillings; yet giving it up without contest, might perhaps establish such a precedent, or encourage such a general opposition to some particular claim, as would deprive the clergyman of half his income, or involve him in universal litigation.

Mr. Grattan asserts this is an uncertain Court, for the peasant may wait many days without a decision. On the contrary, its constitution directs all causes to be tried in the most summary manner: and this is uniformly observed, the delay being much less than any other court of law, and causes determined generally in a very few days; while in the Court of Exchequer, a similar suit might last for five years, and in the Chancery Court for twenty.

“ The costs in any action at law, tried in any of his Majesty’s
 “ Courts in Dublin, for the recovery of any sum *whatsoever*,
 “ amount to twenty guineas at least to each party; the plaintiff
 “ as well as defendant;—and if tried at an assizes town, to thirty
 “ guineas each at least.
 “ If a man be sued for subtraction of *tithes* by bill in the Court
 “ of Exchequer, and a decree obtained against him, the costs
 “ alone, which he incurs, will amount to two or three hundred
 “ pounds.—For the truth of the above positions, apply to any
 “ practising attorney in the Four Courts.”

Mr.

Mr. Grattan is represented in one copy, and only one, as having asserted "the Court of Cashel" appears, from incontestible evidence, to be a most "iniquitous court *:"—but I am confident unjustly represented, because such a charge would never be advanced by Mr. Grattan before the House of Commons, without very full proof indeed: and no proof at all is adduced; nothing that bears the semblance of a proof; but certain high rates Mr. Grattan asserts to have been decreed by that Court. But the amount of the rates, I have shewn, depends not on the Judge, but the evidence, according to which they are decreed; and therefore are utterly inconclusive to prove his partiality or injustice.—Beside, the conduct and character of the Rev. Mr. Hare, now Vicar-General of that Court, as far as it has appeared to the public, render such a charge highly improbable; for it appears by the † authentic statement of his conduct, with respect to Mrs. Strang, that he offered to her the tithes of a considerable farm, for one third of their estimated value; and when this offer was denied, the tithes subtracted, and Mr. Hare being forced to have recourse to law for their recovery, proved them worth 33*l.* by legal uncontradicted evidence, and obtained a decree for that sum, he yet accepted *ten* pounds in its place.—The man who would act so disinterestedly and generously in his own case, it is not probable would be partial and unjust in deciding on

* *Vide* Franklin's Report, page 21.

† *Vide* Mr. Trant's Pamphlet, 3d edit. pages 39 and 40, for these facts, and for Mrs. Strang's letter in vindication of Mr. Hare's character, in which she states not only his conduct in her own case, but adds, "My tenants acknowledge themselves well pleased with "charges."—*Vide* *ibid.* page 42.

the claims of others*. On the whole of this matter I think it appears, that neither the constitution nor the practice of the Ecclesiastical Court is such, as to give any foundation of charging them with notorious and flagrant partiality, and iniquity, and collusion. I add, the assertion that these courts are "remnants of barbarity, that require immediate annihilation†," seems to require stronger proof in its support than has as yet been advanced, especially as it seems to contradict the most respectable law extant, that of Lord Coke, who thus states the expediency of Ecclesiastical Courts for the purpose of preserving the revenues of the Clergy:—"For this reason, in favour of Holy Church, although it might have a lawful beginning, the law will not suffer such prescription in this case to put it to the trial of laymen, who will rather strain their consciences for their private benefit, than yield to the church the duties which belong to it. And the law hath great *policy* therein; for the decay of revenues of men of Holy Church, in the end will be the overthrow of the service of God and his religion. And therefore, it is recorded in history, that there were among others, two grievous persecutions, one under Dioclesian, the other under Julian, surnamed Apostate; for it is recorded, that one of them, intending to have rooted out all the Professors

* I am informed by a respectable clergyman long resident in the diocese of Cashel, "that when the claims for contested tithe rise considerably above the usual rates of the country, Mr. Hare frequently reduces them by his own authority to those rates." This he can do only when the claimant will acquiesce in his decision. The fact I believe, but I have it from only private authority—and state it as such.

† *Vide* Franklin's Report, page 20.

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“ and preachers of the word of God, *occidit omnes*
 “ *Presbyteros* ; but notwithstanding that, religion
 “ flourished ; for *Sanguis Martyrum est Semen Eccle-*
 “ *sia* ; and yet the same was a fearful and grievous
 “ persecution. But the persecution under the other
 “ was more grievous and dangerous, because (as
 “ the history saith) *ipso occidit Presbyterium*, for he
 “ robbed the church, and spoiled spiritual persons
 “ of their revenues, and took all from them, where-
 “ on they might live ; and thereupon in short time
 “ did follow great ignorance of the true religion,
 “ and service of God, and thereby great decay of
 “ the Christian profession ; for none will apply
 “ themselves, or their sons, or any other whom
 “ they have in charge, to the study of divinity,
 “ when they shall have, after long and painful
 “ study, nothing to live upon.”

Coke's Reports, part 2. Bishop of Winchester's
 Case, page 45. a.

SECTION

SECTION VI.

*Of the particular Instances adduced by Mr. Grattan,
as Proofs of the Mal-conduct of the Clergy.*

I HAVE now examined, and I trust refuted, all the general charges of oppression and injustice as to the collection of tithe, advanced against the Southern Clergy by Mr. Grattan; and adduced such statements, facts, and arguments as appear to me sufficient to prove what I undertook to prove—that their *general conduct is just and moderate, and merciful, and praise-worthy*.—But Mr. Grattan asserts*, “That he has advanced a few incontrovertible facts, which evince the pressing necessity of an immediate enquiry.” And in opposition to which he in another place asserts†, “average rateages prove nothing more than the great disproportion of charge, which is another grievance, and another cause of inquietude.” Some inequality of rateages must necessarily take place, if any regard is had to the varying fertility of the ground, or price of the produce from vicinity to market towns, to seaports, corn mills, &c. &c. but it does not seem just such inequality should be a cause of grievance or inquietude.—Nay, so far from it, that I find ‡ where the tithe-

* *Vide* Graisbery's Report, page 8.

† *Vide* Ibid. Supplement, page 5.

‡ For instance, I find one of the clergymen in the diocese of Limerick, returning the prices he sets for, as Mr. Grattan states them, from the returns of a referee, under the Compensation-act:

potatoes

tithe-rates are highest, the average of the crop in the same parishes is so much higher than where the rates are low, that the proportion on the comparison is in favour of the peasant whose tithe is dearest: the general usage of tithes tending to depress them, where in strict justice they ought to rise considerably above the common standard, and to raise them where they ought comparatively to sink below it. But in fact the inequality of rateages is by no means considerable. In the diocese of Limerick and Cloyne, the majority of the parishes set at the average of the entire; of those which do not, more set below than above the average, and the variation every where is accompanied by a correspondent variation in the value of the crop. I conclude, that in all probability, the same holds true in other dioceses; and I nowhere trace any thing like those enormous rateages Mr. Grattan states.—But if these are founded on *incontrovertible* facts, how can they be confuted? I observed, that to prove incontrovertibly the exorbitance of any tithe demand, we should know accurately the quantity of the crop—the acre used in measuring—the cur-

	£.	s.	d.
Potatoes, per plantation acre	—	0	12 0
Wheat	—	0	10 0
Barley	—	0	10 0
Oats	—	0	6 0
Meadow	—	0	6 0

But it must be remembered, that from the vicinity of these parishes to Limerick, and the great fertility of the ground, the average value of the crop of potatoes is twenty pounds, the tithe two pounds, and other crops in proportion—Now is twelve shillings an unreasonable demand for what is worth two pounds? I further remark, that *I nowhere find the rate higher than twelve shillings per plantation acre*, and the crop, where-ever this is charged, not worth less than eleven or twelve pounds, more generally sixteen or twenty.

rent market price of the year, and the particular circumstances attending this claim, which might wholly alter the conclusions we might draw from a cursory view or imperfect state of the case.—Thus a demand might be very exorbitant, if considered as the rate at which the clergyman usually valued his tithe, and set it to the proprietor; and yet very reasonable, if that very tithe had been * offered to the

* This is not a mere imagination of the Author, but founded on fact, as may appear by the following letter of a respectable clergyman in the South of Ireland to his Bishop, whose name however I suppress for the reasons afterwards assigned, *vide*, p. 95.—This gentleman states, “ he has been rector of his parish for twenty-six years past, and when he came into the possession of that parish, he found that his predecessors valued the tithes of that parish at the following rates, by the English acre, viz.—Wheat, Barley, and Potatoes, at six shillings per acre; Oats at three shillings, and Meadowing two shillings and sixpence; that ever since he came into the possession of said parish, he always had his tithes valued at no higher rates, and that his predecessors always had it in orders from him, in their valuation, to lean rather on him than on the parishioners, and that he was always ready and willing to set to the occupiers in said parish at said rates, and that he did grant leases to some of them during his incumbency, at said rates; and also, that when any of his parishioners bid up to, or nearly to the said valuation, he always dealt with him or them, and closed the bargain for the current year; but when he found that any of them entered into combinations, and would bid no more than half the value, then he did set to canters, at a much higher rate than his said valuation, and with which bargains the said canters were always very well pleased, having got more than the value of their money; and that if he had not such people as canters to take his tithes, when the occupiers refused to give the value, he should not have been able to get the half of his own reasonable valuation; and to prove that his valuation was a very reasonable one, it will appear that he set his tithes in the year 1786, at the reduced prices of the White-boys, for near six hundred pounds, and that in the year before, when no disturbances happened in his parish, for no more than about one thousand pounds. The White-boys’ prices were for potatoes four shillings per English acre—Wheat two shillings—Barley one shilling and sixpence

the proprietor at a very moderate valuation, and only raised when on his pertinaciously refusing to give any thing near the value, or entering into some combination to defraud; the clergyman was obliged to have recourse to another purchaser, and received from him, a price much exceeding the original valuation, as judging himself free to demand the full value from one, who having expended no labour, could alledge no just claim to indulgence; and willing, perhaps, to set nearly at the true value, in order to display more strongly the moderation

pence—Oats one shilling; and nothing for Meadowing.—It is now said, that some of the parishioners of said parish, have made affidavits that said incumbent had set his tithes at very high prices; and to give this a colour, have artfully introduced the Irish instead of the English acre, though they all well knew that the English acre was only used in that parish for time out of mind, in the valuation of tithes. Thus they have artfully accused said incumbent of having charged a given sum for the tithes of a given number of acres of land, without specifying whether these acres were of the *plantation* or *statute* measure.—So that when said incumbent's charge were for sixteen *statute* or English acres of Wheat or Potatoes, they artfully accuse him of charging that sum for ten acres, without saying that they are *ten* English or plantation acres, ten acres *plantation* being equal to sixteen *statute* acres.—That by thus reducing the number of acres, the sum charged may appear very unreasonable.”—

There is reason to believe this parish was one of those which Mr. Grattan alluded to, as exhibiting an instance of *oppression*.—Another gentleman, whom Mr. Grattan is supposed to have alluded to, states, that “his parish, under the same White-boy rates, set for six hundred pounds, in the year before only double; and further adds, *no tithe are demanded for lamb, wool, and milk, or as book-boney*—The proctor will prove upon oath, that when he viewed the parish, in the first year of his employment, he met several of the occupiers on their land, and was informed by them, of the prices he was to set upon the different articles of tithe, and that this passed some time before he had any conversation with his employer on the subject, *i. e.* of the valuation he was to fix on the said tithes, and found the prices mentioned by the occupiers, to be the same as that prescribed by his employer.”—I observe, this was the same gentleman to whom the letter, mentioned page 76, was directed.

of

of his former claim, and the folly as well as dishonesty of the original proprietor.—All these things should be known, or at least an opportunity should be given of enquiring into them, if any doubt should arise : but from the mode in which the instances Mr. Grattan has adduced are stated, this is impossible. No names are mentioned, no places specified ; and therefore, however strong the doubts we may feel, as to the accuracy of his information, and the validity of his proofs, to satisfy our doubts is impossible, because all examination is precluded. In vain do we attempt to combat this abstract statement of particular facts. It stands secure from refutation, because guarded from enquiry. If we defend one parish, the reply is obvious—"that was not the parish meant ;"—another, "neither was that alluded to." Thus, these fugitive charges may eternally shift their ground, but can never be driven from the field ; utterly invulnerable, because wholly inaccessible, they weary pursuit, and mock opposition : And Mr. Grattan's facts are *incontrovertible*, merely because no opportunity is offered of *controverting them*.—I further object to this mode of stating facts, as not only inconclusive, but dangerous, because tending to diffuse the odium, justly merited by those individuals, who may have been guilty of the excesses complained of, over the whole body of the Southern Clergy ; confounding in one charge, the rigorous and the lenient, the just and the unjust ; and while those from whose conduct the charge originated, are not called on to defend, the innocent cannot step forward to justify themselves, without giving grounds to conjecture, they were conscious of having by their conduct afforded some pretext of fixing on themselves the indiscriminate accusation. Thus the whole order must sink in public esteem, by silent acquiescence under such unlimited accusa-

accusations, or the individuals must be injured, even by the effort to exculpate themselves. Hence I have thought it necessary to suppress the names of those clergymen to whom Mr. Grattan is supposed to have alluded, and whose real cases I have stated, lest I should injure while I wished to defend their reputation.

But though we cannot examine each particular fact, we may judge of the general nature of many; numbers are derived from the decrees of the Bishops' courts.—Now I think it has been shewn*, that these rates prove not, that the clergyman usually charged such rates, or had even originally demanded such rates for these particular tithes, or even prove the husbandman ever paid such prices, as they are often reduced by desire of the judge, and moderation of the clergyman; so that if we knew all the circumstances, we might find grounds for praising, rather than censuring that body.—Thus† when Mr. Grattan stated thirty-two shillings an acre for potatoes, and other similar charges, to have been paid in the diocese of Cashel, it seemed a most oppressive case, as he had unfortunately forgot to mention the name of the parties; but if this were the case of Mr. Hare and Mrs. Strang‡, the difficulty would vanish, and a most singular instance of generosity appears, instead of exaction.—I know not whether such would be the event,

* *Vide* Section IV.

† I have been lately informed, that Mr. Grattan has publicly denied he meant Mr. Hare or Mrs. Strang's case in any of those he specified.—Whether he did or not, the reasoning from the possibility of its being so stated, is equally valid.

‡ I find one clergyman stating in his letter to his Bishop,—“What is called an acre, usually contains from an acre to an acre and a quarter, to stimulate the reluctant occupier to buy.”

if

if we could as exactly enquire into other cases; but it seems to be not at all impossible.—The tithe-proctor's bills and receipts, Mr. Grattan states, are at least proofs that the peasant had *voluntarily agreed* for the rates charged, and not found out they were grievances, till the sagacity in discovering grievances became generally so quick as it has been of late; and very possibly the large measurement allowed him, might have abundantly compensated for the apparent high price*.

But to wave all further conjectures, I ask, if particular instances of extortions are produced against the Clergy, and of generosity in support of them, how shall we decide which are the exceptions to, and which are conformable to their general conduct?—Surely, by appealing to those general statements of that conduct which have been above so fully proved.—And here I again appeal to the testimony of the Prime Serjeant, who not only declared, “that in ONE INSTANCE was the price
“ of tithe, as charged in the schedules of the Clergy,
“ complained of by the persons sued †;” (an assertion which may still further discredit the probability of Mr. Grattan's *particular* charges being founded on exact information;) but added, that he would go further, and assert, “the conduct of many clergy-
“ men was singularly generous; that in particular

* I observe here, that in two instances of oppression, one of a respectable farmer, *vide* Franklin's Report, page 16, the decrees complained of, must have been obtained in a *civil court*, as the costs amounted to £16; and also in Graisbery's Report, p. 24 and 25, where the costs are stated as £2. 16s. 6d. these cases were therefore, in all probability, attended with some circumstances of vexation and uncommon litigation; and the equity of the demand must have been so fully proved, as to satisfy a Judge who was not a Vicar-general.

† *Vide* page 33.

" the Reverend John Meade of Ballymartle, near
 " Cork, when, after full proof of the equity of his
 " demands, he had obtained a decree for compensa-
 " tion, his parishioners, ashamed of their obstina-
 " cy, offered to pay down the money, costs and all,
 " in court; but he generously remitted all the
 " costs.—In a similar manner the Rev. Jemmat
 " Browne, having obtained a decree, remitted all
 " the costs; and his parishioners being unable to
 " pay him at that time, he accepted their notes at six
 " months credit."

I advance these facts, as from an authority Mr. Grattan cannot question.—Many others of a similar nature could, I am sure, be adduced, if I judged it necessary for the present question. But I rest the defence of the Clergy on their *general conduct*; and only wish to shew, Mr. Grattan's particular facts, if admitted, are wholly insufficient to invalidate the evidence and conclusions as to that general conduct before adduced, and are by no means so clearly or fully proved, as to require they should be so admitted.—And this I apply to every one of Mr. Grattan's *six* allegations*. As general charges, they have not only been confuted, but the very reverse of every one of them has been proved to be true†. As particular charges, they may possibly be true, in some very rare and extraordinary cases, (though with the utmost accuracy of enquiry, I can discover no such cases) at least the negative of such indeterminate assertions cannot be proved. But to express them truly, they should have run—That in a *very few* parishes in the South the demands for tithe are illegal, &c. and thus expressed their

* *Vide* Graisbery's Report, page 25.

— Franklin's, page 30.

† *Vide supra*, section the fourth, in the end.

inconclusiveness to prove the necessity of either a parliamentary enquiry, or a general commutation, would instantly appear. For to illustrate this by a parallel case: Had Mr. Grattan (and he was as much called on by the complaints of the people, *alias* the manifestoes of the White Boys, to redress the grievance of rent, as of tithe); had Mr. Grattan alledged in parliament—Sir, I can bring evidence ready to prove at the bar of this House, that in certain estates in Munster, landlords and their agents have made demands from their tenants, not justifiable by law or custom;—harrassed them by exacting duties *, perquisites, and fees;—received exorbitant rents, in some incomes ten pounds per acre:—that it is a very general practice in the South of Ireland, for the proprietor or occupier of ground to demand and receive from the *poor*, six guineas per plantation acre, for ground to be tilled for potatoes, and then to vilify the parson for demanding perhaps eight shillings, or at most ten or twelve, for the tithe of the crop of potatoes, though twelve shillings is not the tithe of the rent paid for the land, how much less of the produce of that land?—that in certain estates, the rents have of late years, greatly and rapidly encreased, insomuch that some estates have risen three or four fold; “one
 “ estate from one hundred and sixty pounds to
 “ three hundred pounds, one of three hundred
 “ pounds, to one thousand one hundred pounds
 “ per annum:”—that in certain estates more acres have been charged to the farmer than he really possessed;—that in some cases farmers had offered the rent for their ground in due time, and yet it had

* By duties are meant poultry, meal, and other things to be given gratis at certain seasons, and also labour gratis for certain purposes, and on certain days.

been refused, and suits commenced to eject them.
 —I therefore call on gentlemen, either to deny all this, to prove that these practices have *no where taken place*, or else to acknowledge the necessity of an immediate enquiry into the leases, and circumstances of *all* the estates in the South of Ireland; that the peasantry may be rescued from such merciless exaction; —that *all* the leases may be, if necessary, broken; —the estates taken out of the present hands, and such an equivalent decreed to the proprietors, as may be judged effectual to relieve the tenantry, and establish the rights and claims of the landlord on *new* and unexceptionable grounds. — If such had been the allegations, and such the conclusions of Mr. Grattan, I suppose the Southern gentlemen would scarcely have deemed their characters done justice to, or the legislature bound to interfere to redress grievances *so proved*, or attend to charges *so supported*. — Yet such have been the allegations, and such the conclusions of Mr. Grattan, with respect to a property as ancient as widely dispersed and as legally established as the estates of the kingdom; and to an order of men, though less rich, and less powerful; yet hitherto, not deemed less virtuous or liberal than the landed gentry of Ireland.

SECTION VII.

Of the Imputations on the Conduct of the Southern Clergy, as having caused the late Disturbances.

IN both Reports * of his Speech, Mr. Grattan is represented as exclaiming—" Sir, how disgraceful " it is to see an extensive army marching to fight " the battles of the Clergy and their proctors!"— Now the question here is brief—are the Clergy, in general oppressive, rapacious, and unjust?—Mr. Grattan asserts they are. I deny it; and appeal to the authentic statements and facts I have adduced in proof, that their conduct could afford no ground for complaint, and no pretext for outrage!—Let the public decide.—If the Clergy are moderate and merciful, these may have been the battles of the Clergy, but they were defensive, not offensive,—the battles of law and the constitution, in support of innocence and right.—And that they were so, I will appeal to a testimony Mr. Grattan will not controvert; that of the noble Lord who conducted these battles of the Clergy, publicly stated by the Lord Bishop of Cloyne:—his words are †, " The author is happy to have it in his power to * declare, from the highest authority, that the " report of a noble lord (lately sent into Munster " with the civil and military powers united, in

* *Vide* Graisbery's Report, page 37.

— Franklin's Ditto, page 27.

† *Vide* his Pamphlet, 9th edition, page 43.

“ order to suppress the insurrections in that province) to government, bore honourable testimony to the moderation of the Clergy.” And one of the Judges of the land appointed to decide on the claims of the Clergy, confirms this in the fullest manner*; and to the acknowledgment of moderation, adds the praise of generosity. These are the testimonies of men whose office obliged and enabled them to examine accurately both parties.—Mr. Grattan has listened to one of the parties, and drawn a contrary conclusion.—Who is to be credited, the public can decide!

But are not the dues and claims of the Clergy the origin of these disturbances?—Yes; as the purse of the traveller is the origin of the highwayman’s attack; or the wealth of the orphan the origin of that fraud which insidiously strips him of his right.—Yet it would seem strange that the traveller and the orphan, not the highwayman or the knave, were loaded with infamy, and led to punishment.

But are not the claims of the Clergy the origin of the misery of the poor?—So superficial men may think, on reading Mr. Grattan’s speech.—But hear his own statement†: “ I beseech gentlemen to consider the circumstances of this wretched class of men, who are the subjects of this oppression. In general their laborious industry is rewarded with no more than fivepence per day—which on an average of the whole year, Sundays excepted, will be found to amount to no more than—*five pounds* per annum! Out of this scanty sum he is to support a family—a wife and children—to pay his rent—to purchase seed for his spot of ground—to procure the implements of agriculture—to

* *Vide supra*, p. 27 and 97.

† *J. Graislbery’s Report*, page 22.

“ pay county cesses—to contribute his proportion
 “ to the repair of roads, bridges, houses of reli-
 “ gious worship ! What a poor surplus must then
 “ remain ! ”——I add, the rent for potatoe ground,
 the food for the peasant, almost always is a rack
 rent, generally from five to six guineas per acre.—
 Now, are the Clergy the authors of the low price of
 labour, or the rack rent, or county cess, &c. &c. ?
 —And why are none but the Clergy accused ?—
 The country gentlemen receive this labour, and
 repay it by setting on the ground a rack rent ; yet
 Mr. Grattan thinks it would be a libel to suppose
 they would take advantage of the peasant.—But
 the people complain only of tithe.—This is con-
 futed by the proclamations of the White-boy legis-
 lators ; in these, rents and taxes *, and the low
 prices of labour are complained of with as much

* I confirm this by the testimony of Mr. O'LEARY, who, in
 his Address to the White Boys, has these words :—*vide* his De-
 fence, p. 165.—“ After reforming the Clergy, you now proceed
 “ to reform the state ; by your new regulations, no labouring
 “ man is to go to another parish to save the harvest.” And in
 the next paragraph—“ You write threatening letters to the civil
 “ magistrate, ordering him, under the severest penalties, to in-
 “ terfere no more in your proceedings, and are come to regu-
 “ lations about the hearth-money, which you intend to regulate
 “ by your own standard ; and this regulation about magistrates
 “ and hearth-money, are more immediately affecting Majesty, is
 “ a regulation bordering upon *treason and rebellion*, and appro-
 “ priating to yourselves part of the revenues of the Crown.”——
 And in page 169—“ Little did we expect to hear of attempts to
 “ *deprive the landlords of their rent*, to encroach on the authority
 “ of parliament, and to invade the rights of the Crown, after two
 “ assizes, and the lenity, impartiality, and wisdom government
 “ has shewn on the occasion.”——From this representation I con-
 clude, the army was sent to the South to fight not merely *the*
battles of the Clergy—but also *the battles of the landlords*, and the
Crown ; and that these must share with the Clergy whatever *disgrace*
 attends the measure.

emphasis

emphasis as tithe ; and the decree of redress directed against all with the same impartial justice, though not with the same steady perseverance of happy success. The reason is obvious*.—The gentry were known to be powerful ; the Clergy it was supposed,

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* To prove I am not singular in this opinion, I beg leave to quote a passage from the ingenious Preface to the 3d edition of Mr. Grattan's speech, by Graisberry, the author of which was certainly not partial to the Clergy.

“ During the summer of 1786, the Southern parts of the kingdom were in a most violent state of fermentation. Bitterly oppressed in many instances, the wretched peasantry at inauspicious intervals, submitted to the hasty impulse of resentment on their irritated minds, and acted in open hostility to laws, which their distracted imaginations led them to consider cruel and unjust. They felt the pressure of more evils than one. When assaults are made from a variety of quarters, if an individual be the object of them, Nature will point out to him the policy of directing his force against the *weakest*;—upon *precisely the same principle* did the peasantry direct their resistance to the collection of *tithes*. It were too much to expect, that the desponding peasant would temperately sit down to contemplate his deplorable condition—that he would pursue his investigation, and trace effects up to their causes, in order that he might discover that lands *were set for more than their annual intrinsic value*. His contracting for ground he could not avoid—it was an act indispensable to his existence; and nature, necessity, and habit, reconciled him to the unconscionable imposition attending it, as inevitable— Besides, whatever the popular opinion might have been, that prevailed in the South of Ireland, the lower orders were not so chimerical as to hope that landlords would reduce their rents.— But tithes were viewed in a light widely different; their amount was thought monstrous and oppressive; a mitigation of it no unreasonable demand to make, not difficult to effect;—and so far from apprehending the opposition, they had every reason to expect the concurrence of the landed interest.”

As a confirmation of their expecting the concurrence of the landed interest, or at least their wish to secure it, I observe the Whiteboy regulations every where *totally abolished the tithe of hay*; the burthen chiefly on the wealthy graziers and middle men; while they only diminished the rates for tillage, the burthen of the poor.

—While

posed, would be unprotected.——The greatest burthen was finally submitted to, because to shake it off, was impossible: and exertion was directed where success seemed easy.——And shall this be considered as a proof of the super-eminent injustice and intolerable oppression of the Clergy? —Is it probable, that the weakness which invited the attack of hostility, should have previously justified that attack by the hardihood of its encroachments?

Thus, whether we consider the complaints of the insurgents, or the decisions of those appointed to suppress them; whether we suppose the Clergy actuated by generosity, or merely influenced by the caution of interested policy, and the fears of conscious weakness, it is equally impossible to believe their conduct could have afforded a just pretext to the late disturbances, though they were the chief objects of attack, and almost the only permanent sufferers amidst the general terror.

—While I subscribe to this part of this writer's opinion, I must differ with him in his assertion, "that the acts of personal violence were offered to those whose rapacious exactions had given them pre-eminence over their brethren, and marked them as the objects of popular discontent." And I quote in opposition to him, the testimony of another gentleman, who will not be suspected of partiality to the Clergy, [Mr. O'LEARY] who, in his Address to the White Boys, asks, "What! a Rev. Arch-Deacon *Corker*, a Rev. Arch-Deacon *Tisdall*, a Rev. Mr. Chetwood, a Rev. Mr. Weekes, a Rev. Mr. Meade, a Rev. Mr. Kenny, who spent his time and fortune amongst you, relieving your wants, and changing a part of his house into an apothecary's shop, to supply you with medicines, which yourselves could not purchase, must from an apprehension of violence quit his house!" —I add, that all these gentlemen were very particular sufferers.

From this I conclude, that the outrages of the insurgents made no discrimination between the lenient and rigorous, the oppressive, and the generous; and consequently, *that their extent or violence is no proof of the general injustice or rapacity of the Clergy.*

The conduct of the Clergy during these disturbances, seems to have been consistent with that moderation I ascribe to them, previous to that period: in general, totally inactive, and often submitting with much too great timidity to the requisitions of their enemies, they seem to have carried even to excess, that "abhorrence of interfering in sanguinary punishments," which Mr. Grattan very naturally requires from their professional character. And it seems, that the honourable testimony Mr. Grattan gives of *many individuals*, might be justly applied to the *whole order*, "That their temperance and humanity are deserving of applause;" and that what Mr. Grattan acknowledges cannot be applied to the *whole order*, can scarcely be applied to *any**, "even that those who should shew the moral examples of humanity and meekness, degrade the ecclesiastical character, by pursuing with vindictiveness and persecution the objects of their vengeance," because those who were in any degree active in persecuting the White-boys (for whom certainly this censure was meant) were very few indeed; and for this conduct, even in those few, motives very different from vindictiveness and persecution may fairly be assigned: because wherever the Clergy were magistrates, they were bound by their oaths to support the laws, in repressing violence, defeating injustice, and preserving peace; and to do this was impossible, otherwise than by executing the punishments appointed by law, against fraudulent combinations and outrageous turbulence.— And where they were individually injured in their persons and property, by fraud and persecution, which must have effected their purpose, and remained unpunished, if they did not personally bear

* Vide Graisbery's copy, page 37.

testimony against them; in not doing this, they would have been chargeable with neglecting what was due to the interests of their successors, their country, and society, rather than with vindictiveness and persecution, for fulfilling duties so plain, and so important. Here, therefore, Mr. Grattan's charge seems somewhat ill-founded, and somewhat too strongly expressed—The honourable testimony, however, which accompanies it, I believe and acknowledge sincere, while I lament his sentiments have been delivered to the public in such a form, as to afford few opportunities of repeating an acknowledgement—to me, so gratifying—to the Clergy, so desirable—though occasions of advancing such testimonies, with equal justice, must most certainly have frequently occurred to Mr. Grattan.

CONCLU-

CONCLUSION.

I HAD written thus far, and sent the sheets to the press, when Mr. Grattan's Speech on the Re-agitation of Tithes, delivered on the 11th of April, was published. I had designed to have added some remarks on those motives to which Mr. Grattan has imputed the supposed aversion of the Clergy to commutation—tending to shew, that such aversion, if real, could not fairly be ascribed to an “unholy zeal, inspired by the dæmon of unrighteousness*,”—“or a presumptuous waywardness, that would neither hearken to the cries of distress, or the dictates of reason;”—“or the caution of dignified luxury, tenacious of its revenues;”—because the individuals who compose that order could not place so little confidence in the justice of the legislature, as to suppose it would not, on any possible change, secure, during their own lives, a support at least as great, and more satisfactory than what they now envy.

I had designed to shew that the apparent difficulty of effecting any permanent and secure commutation—the supposed danger to the interests of the Clerical order, and the Established Church, which would attend any temporary or insecure system—the circumstances of the occasion—the present current of popular prejudice—and the present temper of the public mind—were sufficient to ac-

* *Vide* Graisbery's Report, page 48.

count for a great degree of reluctance and alarm, at any sudden innovation; and to justify to every candid mind, such reluctance and alarm.

I purposed also to examine whether Mr. Grattan's plans, or the representations and principles on which they are founded, were such as to do away all difficulty, prove all past apprehensions of prejudice or misrepresentation ill founded, and all future caution superfluous.

But on reflection I think it better to decline this. The various difficulties and objections against a commutation in general, and every particular mode of it which had been devised, previous to Mr. Grattan's plans, have been so fully stated by the Bishop of Cloyne, Mr. Trant, and various other writers, and are so generally known, that it seems very unnecessary to repeat them; and it is apprehended they will abundantly justify the Clergy in general, as well as the individuals who stated them, for whatever opposition they may have given to the measure; especially when united with the additional objections from the circumstances of the occasion, and the prejudices and temper of the times.—And a candid public will, I suppose, attribute the conduct of the Clergy in general, as well as those individuals, to these motives, rather than those Mr. Grattan has thought proper to assign them; especially when it is considered, personal emolument, personal gratification, or a desire of popularity, could have had no influence in determining their conduct on this occasion*.

Mr.

* Here it seems necessary to remark, that Mr. Grattan in combating the divine right of tithes, and defending the right of Parliament to alter the tithe system, combats what is not now maintained,

Mr. Grattan's plans and principles, I think, cannot be fairly judged of, without comparing them with the resolutions, statements, and conclusions

maintained, and defends what is not at present disputed.—The Bishop of Cloyne, stating why the present tithe system has been so long preserved, asserts, (p. 66. 9th edit.) “*It cannot be pretended, that a notion of divine right prevented any improvement, because that idea was never universal.*” And (in page 29, the “note”) “*I do not question the right of the whole Legislature to make alteration.*”——And Mr. Trant, 3d edit. p. 29, “*I will look for no more sacred origin for the rights and privileges of the Clergy in this kingdom, than the known laws of the state.*”——And with these, I believe, the whole body of the Clergy, as well as laity, generally agree.—Nor is it easy to assign any reason why, on the present question, Mr. Grattan should have collected such a heap of obsolete arguments and common place objections, as to the origin and right, and history of tithes, except as they tend to render the tithe system contemptible and odious amongst the unthinking and uninformed;—which seems useless, if meant as an argument to influence the Legislature to change that system, and pernicious, if the system should be retained.—I do not think it at all necessary to follow him in this ground; but if any curious reader wishes to see Mr. Grattan's arguments and quotations against the divine right of tithes fully stated, and many others to the same purpose, he may consult Selden and Milton's Treatises on tithes, and may find full refutations of them, in the works of Dr. Leslie and Dr. Comber.

It seems equally unaccountable why, in a debate before a political assembly, on a question of public regulation, Mr. Grattan should quote from the sacred Scripture, precepts of general morality, utterly unconnected with the subject, as proofs on one side or the other. Thus when he asks, “*What were the words of our Saviour? Beware of covetousness, lay not up for yourselves treasures on earth.*—Does this seem to sanction a demand of the soil's produce?”—I answer, yes; it sanctions every demand that is legal and just, and moderate, whether of the minister of the gospel, the monarch, or the landlord; to what purpose then insinuate, that this precept is violated by the clergyman's claiming the support allotted him by law, provided he is moderate in the amount, and merciful in the enforcement of his claim?—and that the Clergy in general deserve this character, as well as any other body of men, has, I think, been incontrovertibly proved.

contained in his last speech. A comparison too tedious for this place, and it appears unnecessary for my design, which proposed nothing more than to confute those charges against the Clergy, which I find repeated in this speech *, with the strongest assurance,

* P. 26, 27.—“ I stated several allegations—I am ready to prove them.—I stated, that in some parts of the South the demands of the tithe had exceeded the bounds of law; I repeat the allegation. I stated, that the proctor had in many places demanded and received a certain *per centage*, called *Proctorage*, against law and charity; I repeat that allegation. I stated, that in parts of the South certain ministers or their proctors had been guilty of exactions which were unconscionable; and I stated also, that they had recently and greatly and unconscionably encreased their rateages; I repeat that allegation. I stated, that the tithe farmers did very *generally, in the parts disturbed, oppress the common people*, and had exceeded their legal powers, or had most grossly abused them: these allegations I repeat now—and am ready to go into proofs, whenever gentlemen chuse to give me such an opportunity.

“ I am not responsible for the precise quantity of every return stated to me.—Some of the statements are official, and cannot be disputed, and are enormous; others come from the oppressed, and may be sanguine: I am not responsible for the precise quantities in such a case; but I am responsible for this allegation, that there exists *great oppression*—I repeat it again, *there exists great oppression.*”

I cannot but remark how much less forcibly these assertions are stated, than in Mr. Grattan's first speeches.—In a word, the whole of Mr. Grattan's accumulated evidence against the whole clerical order, and his dreadful detail of clerical oppressions, we find amounts to no more than those two assertions.—First, that some clergymen in the South did imagine they had a right to the tithe of certain articles which it appeared on legal trial, they had no right to.—And, Secondly, that certain clergymen in the South do claim much higher prices for their tithes than are usually claimed. (For the varied expressions of *Proctorage Fees*, *Rise of Rateages*, &c. are all reducible to this.)—Now granting the first assertion, does not every law-suit in the Four Courts prove, that men of every rank and profession, daily claim what it is found on legal trial, they have no right to?—And why should we expect the Clergy alone should never do this?—Or does it not seem a very

assurance, though with somewhat diminished evidence; since Mr. Grattan seems to acknowledge his rateages from private authority, were not collected with such caution or impartiality, that he could confidently rely on them; and I add, that his *official* statements have been* *proved* inconclusive.—On the result of the whole matter, Mr. Grattan asserts, that (in the *disturbed parts* very generally) *there exists great oppression*. This I deny, and have endeavoured to disprove; whether with success, the public must decide.—In doing this, I trust, I have not injured the cause I meant to support, by justifying Mr. Grattan's suspicion, that "his† sound doctrines and charitable principles " would be received by the opposite party, with " hardness of heart, and their author with *clerical* " *scurrility*."—For though I certainly differ very widely from Mr. Grattan in the present case, to

very extraordinary proof of the caution and moderation of the Clergy, that they are not charged with doing this, except only in one inconsiderable article, and that in a very few instances indeed? I have heard of but one.—As to the second charge, I remark, it would not, if true, prove that even in these particular cases, the peasant paid more than the real value of his tithe; as it is impossible he could be compelled to do this; since he has his choice to lay out his tithes, if he dislikes the price—much less does it prove the Clergy, in general, exorbitant or oppressive.—And I confess it seems to me very unaccountable, how Mr. Grattan should conceive that these facts (especially if we consider the almost moral certainty that such facts are very rare, which the preceding pages seem to prove) could make a *general* enquiry necessary, or justify *general* censure.—And, I remark, it is to be lamented Mr. Grattan should have so particularly stated, and so emphatically dwelt on his rateages from private authority, in his first Speech; which it now appears, by his last, he thinks may be so sanguine that he will not be responsible for them.

* *Vide supra*, 26—28, section 2d, *passim*, p. 67—and other places.

† *Vide* Mr. Grattan's Speech of the 11th of April, the conclusion.

treat him with scurrility on that account, would be as repugnant to my feelings, as to my reason. Nor do I believe any clergyman has treated Mr. Grattan with scurrility, though I admit they very generally differ from him.—I should think it very presumptuous indeed to attempt the province of keen and vehement invective, where Mr. Grattan seems to reign with unrivalled sway—And on the present occasion, I should be very inconsistent indeed, did I give way to any spirit of hasty impatience, or indiscriminate censure, so ill suited to a cause so serious, a question so public, and the defence of an order of men, whose character has hitherto been deemed to society important, and in itself respectable.—The cause of innocence should be pleaded with temper, and rely not on acrimony but truth.—Such I deem the cause of the Clergy, and as such I have endeavoured to support it—If ineffectually, let me entreat the failure may be imputed to the advocate, not the cause.—And let it be remembered, that strong assertions can be more readily advanced than minute proofs—and consequently, a general attack must ever be easier than a full vindication.

POST.

POSTSCRIPT.

NOT having leisure to go minutely through Mr. Grattan's last speech, I shall however make some remarks, so obvious and brief, as to require little time either on my part or the reader's.

Mr. Grattan asserts, " the Bishops did post themselves " in opposition to the hemp bill, and the barren-land bill, " in breach of contract with government."---The following I have been informed, from most respectable authority, was the state of the fact :---Neither the petitioning Clergy, nor the Bishops, opposed the principle of either bill ; but, on the contrary, supported it.---The hemp bill was returned to the House of Commons, without any alteration whatsoever. The barren-land bill was returned with two amendments, copied verbatim from that part of the English act of the 2d and 3d of Edward VI. chap. 13. which gives a like encouragement to the improvement of barren lands. The object of the first was to ascertain that the land intended to be exempted from the payment of tithe, was *barren* land ; for 'as the bill came up to the Lords, it would have exempted from tithe *all* lands, however good and fruitful, which could not have been *proved to have paid tithe before* ;---which was not, nor could not be the object of the bill ; that being purely to encourage

the cultivation of *barren* land only.---And this amendment was adopted by the House of Commons.

The second amendment consisted of an adoption of the 14th section of the English act, without which the bill would have tended to destroy all jurisdiction of the ecclesiastical courts, with respect to tithes, by enabling every litigious land-holder to stop the proceedings of such courts, by a vexatious plea that the lands were barren on which the tithe sued for grew; the necessary effect of which would be, that the right to the tithes would perhaps in all cases be removed by prohibition from the spiritual court, and determined by juries.

Thus the object of both amendments was to guard the rights of the Irish Clergy from fraudulent litigation, as the rights of the English Clergy are at this very day guarded by the above-cited English act, from which they were copied; and not to give the Clergy of Ireland any right or privilege which is not enjoyed by their English brethren, and warranted by reason and justice.---Upon account of this last amendment, the bill was rejected by the Commons, and not destroyed by the Lords, as asserted by the author of this speech.

I have now given an exact history of the hemp and barren-land bills, and shewn that the first has passed into a law, without any alteration whatsoever*; and that the loss of the second cannot justly be attributed to *episcopal* interference, as has been asserted; for both these amendments

* The Bishops invariably supported the hemp bill, and never wished for any other alteration whatsoever therein, than an amendment of the *preamble*, only to prevent its being made a precedent for establishing a *modus* on every kind of tithe,

were

were unanimously approved of by the Lords *temporal*, as well as *spiritual*;—and, if report says truth, they had been previously sanctioned by the full approbation of some of the first law authorities in the kingdom.

Mr. Grattan, in the 13th page of his last Speech, seems, with great prudence, anxious to enlist government on his side of the question; his words are these:—“ Here again
“ I must do justice to government; they did intend a
“ *modus* for flax, as well as hemp; this gracious and
“ benign intention of government was defeated by episco-
“ pal interference, on which the nation is to charge the
“ loss of the barren-land bill; did, with the best inten-
“ tions to be sure, but with the worst effect, oppose both
“ salutary measures---the *modus* for hemp, and the *mo-*
“ *du*s for flax.”

Now it has been incontrovertibly proved, that the *modus* for hemp was never opposed by episcopal interference, but was, on the contrary, supported by the whole bench of Bishops.---And surely Mr. Grattan should have produced some better proof than mere assertion, that *government* intended a *modus* for flax, to induce us to believe that government was defeated in this *benign* intention, as he has been pleased to call it, by episcopal interference--of which intention no trace whatsoever has appeared to warrant either this extraordinary compliment to government, or this unmerited censure on the Bishops.

Mr. Grattan asserts, the Clergy “ did petition against
“ both bills, in the most unqualified manner.”---They
petitioned to be heard by counsel: it was therefore evi-
dently unnecessary to state on what grounds, or how far

they objected to the bills, this being the business of their counsel to explain.—And it is well known their counsel was instructed only to claim those clauses of protection which were afterwards granted by the House of Lords.

And Mr. Grattan's whole Speech, as far as it affects the character of the Clergy, chiefly turns on the supposed opposition of the Clergy and Bishops to these bills.—As to Mr. Grattan's tax on non-residence, I agree with Mr. Grattan, that it would be strange if it had become necessary ;—but I entirely deny that it is necessary, or that the Southern Clergy are more frequently non-resident than their brethren, either in other parts of the kingdom or England.—Mr. Grattan has produced no proof to the contrary.

Mr. Grattan states another fact, in a manner which seems to me calculated to mislead the public, if not explained.—He asserts, Ireland is a country paying *abundantly more to the church than England*, which he proves by stating the bishop of Llandaff's calculation *, “ that including the bishoprics and estates of the universities, the English Clergy would have one hundred and fifty pounds each—While the Bishop of Cloyne states the average income of the Irish Clergy is one hundred and forty-eight pounds per annum, excluding bishoprics and universities. Now the Irish bishoprics amount to seventy thousand pounds, therefore the Irish Clergy, including bishoprics, would have incomparably more than in England, though the *extent of the cures is incomparably less.*”—The reverse of this last is the case ; the parishes

* *Fide* Mr. Grattan's Speech of the 11th of April.

in Ireland being, I am informed, much greater, one with another, than in England *; especially in the provinces of Munster and Connaught †; “as from the want of tillage in those provinces, it became necessary, in the last century, to unite several, sometimes from five to nine parishes, frequently containing a tract of land twenty miles in length, in order to furnish even a scanty maintenance for one clergyman.”—Thus the equality of the average incomes of the Irish Clergy, to those of the English, is easily accounted for; though this kingdom pays *incomparably less* to the church than England—as appears from that very authority Mr. Grattan quotes, the Bishop of Llandaff ‡, who states, that “the whole income of the church, in England, did not amount, on the most liberal calculation, to one million five hundred thousand pounds a-year.” Make from this the largest deduction that can be judged reasonable, and compare it with the income of the church in Ireland.

The parochial Clergy of Ireland are estimated at	£.
one thousand, which, at £148. each, is	- 148,000
The bishoprics, according to Mr. Grattan	- 70,000
The university at not more than	- 12,000
	£. 2,30,000

Which is, by *one million, two hundred and twenty thousand pounds, less than what is nearly the income of the church*

* To confirm this, I observe the Bishop of Llandaff computes the English clergy at 10,000, while the Irish do not exceed 1000; now Ireland is greater than half of England and Wales, therefore the Irish cures must be nearly *five times less* than English, one with another.

† *Vide* Bishop of Cloyne's pamphlet, 9th edit. p. 60.

‡ *Vide* his pamphlet, printed by Byrne, page 39.

in England, i. e. certainly not more than one-sixth of the least income we can allow the English church.

Compare the parochial tithes of Ireland with the rent of Ireland, which is calculated by Mr. Young*, apparently from very accurate materials, is six million, (and I am assured, from the information of persons who have had certain means of calculation, by surveys very lately and accurately made, that six million is considerably less than the truth) one hundred and forty-eight thousand pounds; the parochial incomes, including glebes, (and the Bishops are chiefly supported by land, and the university wholly †) is not more than one-fortieth of the rent, "which being taken on an average of all tenures, and consequently much less than the occupier's rent, which includes the profit of the middle-men," (according to Mr Young) if we suppose the occupiers to make half the rent they pay, the tithe is only one-sixtieth of the produce of the kingdom; if (which is the more probable calculation) a profit equal to the chief rent, only one-eightieth ‡.

From this we may judge how ill-grounded are Mr. Grattan's fears lest the Clergy should claim and receive *one-sixth* of the produce of the kingdom §; and how pernicious it must be to the Protestant Church in this kingdom, to form any regulations that would confine it to its present

* *Vide* his Tour through Ireland, part II. sect. 3d.

† Supposing the tithes in the hands of the bishops to be equal to the glebes in the hands of the Clergy, the whole tithe of Ireland may be estimated at £.148,000.

‡ This is proved by Theophilus from other principles, *vide* Address to the Nobility and Gentry, page 14.

§ *Vide supra*, page 54.

infant

infant state, by fixing the number of parishes, or the clerical income, to their present standard.

I have no accurate account of the rental of England, to enable me to compare the proportion of ecclesiastical to lay property, in that kingdom; but it is most certain that the articles tithed throughout England, are infinitely more numerous than in Ireland*; and the rates for the same articles infinitely higher†; and the practice of drawing the tithe, which (where practicable) must be highly profitable to the clergyman, infinitely easier and more common than in Ireland‡.

These circumstances may enable the public to decide whether the grievance of tithe in this kingdom is so intolerable---and the amount of tithes so excessive---as to justify general complaint, and require legislative interference.

* *Vide supra*, page 53.

† *Vide one instance, supra*, page 32.

‡ *Vide supra*.

T H E E N D.

And thus it is that the number of families on the one
side, is nearly in their proportion.

I have no accurate account of the number of families
in each of the several parishes of the county of
Middlesex; but it is well known that it is much greater
than in any other county in England; and the reason for this
is, that the parishes of the county are much smaller than
those of any other county; and the consequence of this
is, that the number of families in each parish is much
greater than in any other county; and the consequence of this
is, that the number of families in each parish is much
greater than in any other county.

The number of families in each parish is much greater
than in any other county; and the consequence of this
is, that the number of families in each parish is much
greater than in any other county.

4 OC 58